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Peacemakers and Partisans Bishops and Political Reform in England 1213-1268

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Peacemakers and Partisans

Bishops and Political Reform in England 1213-1268

Sophie Thérèse Ambler
PhD thesis
King's College London 2012

This thesis examines the role of bishops in political reform and rebellion in England, beginning with the return from exile in 1213 of Stephen Langton (archbishop of Canterbury 1207-26) and ending with the suspension in 1266 of five bishops for their involvement with the Montfortian revolution. Langton and his successor Edmund of Abingdon (archbishop of Canterbury 1233-40) created a model for episcopal involvement in the affairs of the realm, especially during times of discord between king and barons. Prioritising the peace of the kingdom, they maintained their loyalty to the king as well as his subjects so that they were empowered and incentivised to act as peacemakers. This obligation was developed by Langton's biblical understanding of the clerical duty to ensure good government. When illegal or destructive royal policies caused baronial discontent that threatened civil peace, the bishops could step in to reform the king's behaviour. Although they threatened ecclesiastical censure, Langton and Edmund never attacked the foundations of royal power. In contrast, the Montfortian bishops renounced their loyalty to the king. As partisan Montfortians, they were no longer qualified to act as peacemakers. Members of a regime that appropriated the bases of royal power and ruled in the king's name, they advocated measures that their predecessors would have considered illicit and dangerous. The intellectual conflict created by this rupture is reflected in the actions and justificatory arguments of the Montfortian bishops, who had to construct their case from scratch in the crucible of political crisis. Their story provides an ideal-type for the study of political thought: exothermic ideology. Not the cause but the consequence of events on the ground, their arguments are not coherent as political theory but reveal the effect on the production of ideas exerted by external pressures and the internal conflicts of those who created them.

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Abbreviations

<i>AM</i>	<i>Annales Monastici</i> , ed. H.R. Luard (5 vols, Rolls Series, 1864-69).
<i>Annales Londoniensis</i>	<i>Annales Londoniensis, Chronicles of the Reigns of Edward I and Edward II</i> , ed. W. Stubbs (Rolls ser., 1882), Vol. I.
<i>Book of Deeds</i>	<i>The Book of Deeds of James I of Aragon: a Translation of the Medieval Catalan Llibre dels Fets</i> , trans. D. Smith and H. Buffery (2010).
<i>Burton</i>	<i>Annales Monasterii de Burton, 1004-1263, AM, i</i>
<i>CLR</i>	<i>Calendar of Liberate Rolls</i> (H.M.S.O., 1916-).
<i>CM</i>	<i>Matthaei Parisiensis, Monachi Sancti Albani, Chronica Majora</i> , ed. H.R. Luard (7 vols., Rolls ser., 1872-83).
<i>Coggeshall</i>	<i>Radulphi de Coggeshall Chronicon Anglicanum</i> , ed. J. Stevenson (Rolls ser., 1875).
<i>C&S</i>	<i>Councils and synods: with other documents relating to the English Church</i> , II, 1205-1313, ed. F.M. Powicke and C.R. Cheney (2 vols., Oxford, 1964), part I (1205-1265).
<i>CPL</i>	<i>Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland 1198-1304</i> , ed. W. H. Bliss (1893).
<i>CPR</i>	<i>Calendar of Patent Rolls</i> (H.M.S.O., 1906-).
<i>CR</i>	<i>Close Rolls, Henry III</i> (H.M.S.O., 1902-).
<i>Cronica Maiorum</i>	<i>De Antiquis Legibus Liber. Cronica Maiorum et Vicecomitum Londoniarum</i> , ed. T. Stapleton (Camden Soc., 1846).
<i>DBM</i>	<i>Documents of the Baronial Movement of Reform and Rebellion, 1258-1267</i> , ed. R.F. Treharne and I.J. Sanders OMT (Oxford, 1973).
<i>Dunstable</i>	<i>Annales Prioratus de Dunstaplia, A.D. 1-1297, AM, iii</i> .
<i>EHD</i>	<i>English Historical Documents: 1189-1327</i> , ed. H. Rothwell (London, 1975).
<i>EHD II</i>	<i>English Historical Documents: 1042-1189</i> , ed. D. C. Douglas and G. W. Greenaway (London, 1981).
<i>EHR</i>	<i>English Historical Review</i>
<i>Flores Historiarum</i>	<i>Flores Historiarum</i> , ed. H. R. Luard (Rolls Ser., 1890).
<i>Foedera</i>	<i>Foedera, Conventiones, Litterae et Acta Publica</i> , ed. T. Rymer, new edn, Vol. I, part i, ed. A. Clark and F. Holbrooke (Record Comm., 1816).
<i>Gervase</i>	<i>The Historical Works of Gervase of Canterbury</i> , ed. W. Stubbs (2 vols., Rolls ser., 1880), Vol. II.

Gieben	Gieben, S., 'Robert Grosseteste at the Papal Curia, Lyonss, 1250: Edition of the Documents', <i>Collectanea Franciscana</i> , 41 (1971), 340-393.
GRHS	<i>Gesta Regis Henrici Secundi Benedicti Abbatis</i> [by Roger of Howedon], ed. William Stubbs (2 vols., Rolls Ser., 1867).
Grosseteste Letters	<i>The Letters of Robert Grosseteste, Bishop of Lincoln</i> , trans. F. A. C. Mantello and J. Goering (Toronto, 2010).
Guisborough	<i>The Chronicle of Walter of Guisborough</i> , ed. H. Rothwell (Camden ser., lxxxix, 1957).
Heidemann	Heidemann, J., <i>Papst Clemens IV: Das Vorleben des Papstes und sein Legationregister</i> (Münster, 1903).
Mercken	Mercken, H. P. F., <i>The Greek Commentaries on the 'Nicomachean Ethics' of Aristotle in the Latin Translation of Robert Grosseteste Bishop of Lincoln. Vol. III. The Anonymous Commentator on Book VII, Aspasius on Book VIII and Michael of Ephesus on Books IX and X</i> (Corpus Latinum Commentariorum in Aristotelem Graecorum VI, 3) (Leuven U.P., 1991).
ODNB	<i>Oxford Dictionary of National Biography</i> (Oxford, 2004), available online at http://www.oxforddnb.com
Osney	<i>Annales Monasterii de Oseneia, 1016-1347, AM, iv.</i>
PR	<i>Patent Rolls, Henry III (H.M.S.O. 1901-03)</i>
RCWL	<i>The Royal Charter Witness Lists of Henry III (1226-1272) from the Charter Rolls in the Public Record Office</i> , ed. M. Morris (List and Index Soc. 291-2, 2002), Vol. II.
Royal Letters	<i>Royal and Other Historical Letters Illustrative of the Reign of Henry III</i> , ed. W. W. Shirley (2 vols., Rolls ser., 1862-6).
RSO	<i>The Register of Saint Osmund</i> , ed. W. H. Rich Jones (2 vols., Rolls ser., 1883-4), Vol. II.
Song of Lewes	<i>The Song of Lewes</i> , ed. C. L. Kingsford (Oxford, 1963).
TCE, i-xiii	<i>Thirteenth Century England</i> , 13 vols. so far, i-iv, ed. P.R. Coss and S.D. Lloyd; vi-x, ed. M.C. Prestwich, R.H. Britnell and R.F. Frame; xi-xiii, ed. J. Burton, F. Lachaud, P. Schofield, K. Stöber, B. Weiler (Woodbridge, 1986-2011).
Tewkesbury	<i>Annales Monasterii de Theokesberia, AM, i.</i>
Waverley	<i>Annales Monasterii de Waverleia, A.D. 1-1291, AM, ii.</i>
Wendover	<i>Rogeri de Wendover Chronica sive Flores Historiarum</i> , ed. H.O. Cox (5 vols., English Historical Soc., 1841-4).

Introduction

On 12 May 1264, with Henry III and the royalist army gathered in Lewes and his heavily outnumbered forces mustered ten miles north at Fletching, Simon de Montfort earl of Leicester dispatched his supporter and ally Stephen Berksted, bishop of Chichester, to the royal camp offering terms of peace. Montfort, although ever faithful to his oath to uphold the Provisions of Oxford, was prepared to offer the king a compromise:

‘Choose the best men, whose faith is lively, who have read canon law, or have becomingly taught theology, and sacred philosophy, and who know how to rule the Christian faith; and whatever such men shall not fear through wholesome doctrine to counsel, or whatever they shall not fear to decide, what they shall say, that shall they find us ready to adopt; in such manner that we may not know the brand of perjury, but as sons of God may hold faith.’¹

Montfort’s offer encapsulates much of the ideal and reality of the role of the bishops in the political community of thirteenth-century England. His suggestion of asking churchmen to arbitrate on the political constitution to decide how royal power should operate appealed to aspects of episcopal identity that were by this point deeply engrained: the duty to oversee royal government for the good of the realm epitomised by the bishops’ enforcement of Magna Carta and the Charter of the Forests by sentence of excommunication. It also alluded to the role of peacemaker played by English bishops in the past, incentivised and authorised by the division of their loyalties between the king, on the one hand, and baronial demands for fair government, on the other, to broker settlements. Fundamentally, though, this purportedly pious offer concealed a scandalous truth that rendered it unpalatable to the royal party. The earl felt able to make the offer because the very churchmen he had in mind, like Stephen Berksted, were supporting him against the king. He presented them as peacemakers in the form of their predecessors but, having become Montfortian partisans, they were no longer qualified to act in that capacity.

There were five English bishops who in 1266 were suspended from office by Clement IV for for ‘supplying aid, counsel and favour to the earl Simon against the king and

¹ *Song of Lewes*, ll. 198-206. All translations of the *Song* are Kingsford’s, occasionally with minor alteration.

honour of the kingdom' in the rebellion against Henry III: John Gervase of Winchester, Stephen Berksted of Chichester, Walter de Cantilupe of Worcester, Richard Gravesend of Lincoln and Henry of Sandwich of London.² The motivations and actions of these bishops has never before been considered at length, yet they were central figures in the reforming regime. The following section is not a comprehensive summary of their activities but provides an indication of the depth and breadth of their support for earl Simon.

Walter de Cantilupe, a committed member of the reform movement since its inception at Oxford in 1258, brought to the regime years of experience as a diplomat and member of the king's council. From 1258 to 1261 he busied himself in the operation of government on behalf of the reformers and colluded in the suppression of Henry III's power. As a leading member of the council, and one of those charged with staying in England and operating government whilst the king was abroad in France in 1259,³ he stood accused of holding 'discussions and meetings at various places without the king's knowledge, not asking the king to attend them, nor summoning him to the council any more than the least person of his kingdom', as well as taking 'away from the king his power and royal dignity, so that no one carries out his orders' also of '[obeying] his command less than that of the lowest member of his council.'⁴ De Cantilupe was a steadfast member of the new regime and appealed publicly, on behalf of himself and the barons, against the papal absolution of the oath to uphold the Provisions of Oxford that Henry proclaimed at Whitsun 1261.⁵ Along with Simon de Montfort and the earl of Gloucester, he attempted to forestall the king's recovery of power and the dissolution of the Provisions by summoning three knights from each county to meet for a parliament at St Alban's in September of the same year.⁶ Welcoming the return of the earl in the spring of 1263, de Cantilupe retook his place on the council for the few months that the Montfortians were able to re-impose the Provisions. During that time he lent £400 to buttress the Montfortian regime.⁷ He also put his seal to the case submitted by the reformers to Louis IX for arbitration in December.⁸ Acting as an envoy for the barons, he offered peace to

² *Osney* 180-81.

³ *DBM* 156-7.

⁴ *DBM*, 214-15.

⁵ *Gervase*, 210.

⁶ *DBM*, 246-7.

⁷ *CPR* 1258-66, 279; E 372/113 (wardrobe roll 1261-64): '*Et de .xL. li. de prestito Walteri Wigorn' episcopi anno .xLix^o*'; *English Episcopal Acta* 13, Worcester 1218-1268, ed. P. M. Hoskin (Oxford, 1997), 62-3.

⁸ *CPR* 1258-66, 275, 276, 279; *Gervase*, 224; *DBM*, 284-5.

the king on baronial terms in March 1264 and again before the battle of Lewes in May,⁹ before absolving the Montfortian army and helping them don the white cross of the crusader on the morning of the battle.¹⁰ He is likely to have been one of the prime movers in soliciting an aid of a tenth of ecclesiastical goods from 'the council of the bishops and prelates of the kingdom' gathered at London in August 1264, when the queen's army threatened to invade and restore the king to power, for along with the bishop of London he was appointed to collect the aid.¹¹ De Cantilupe was one of those who, at this time, wrote to the papal legate in France defending the new Form of Peace that set up three electors and nine councillors to rule in the king's name.¹² He was also one of the envoys chosen to represent the reformers in meetings with the legate in France. The envoys bravely admitted to the legate when questioned that yes, they agreed with the barons that the king should be bound to having certain councillors and to follow their counsel precisely.¹³ On his return, although he was not one of the nine councillors named in the Form of Peace, he continued to play a part in the operation of government.¹⁴ He is likely to have been one of those bishops who, in March 1265, pronounced sentence of excommunication against 'all those who dared to do anything against the Charters of liberties and forest or against the [reformers'] statutes that were provided the previous year.'¹⁵ On the morning of 4 August, the bishop of Worcester sat in counsel with Montfort at Evesham. As the earl stood to take his leave and ready himself for battle, de Cantilupe embraced the earl and blessed him before departing in tears for his manor at Blockley.¹⁶

Other bishops demonstrated similar commitment. Richard Gravesend, elected to the see of Lincoln in November 1258, immediately set off for France with Simon de Montfort and the earl of Gloucester to negotiate the French peace.¹⁷ It is likely that he was involved in the attacks made against alien clergy in the summer of 1263, for he was suspended from office by the pope on 2 June 1264 for contumacy, having failed to appear at the papal court to answer

⁹ *Annales Londonienses*, 61; Walter Cantilupe's embassy on 13 May followed the king's rejection of the terms proposed on 12 May by Stephen Berksted (J. R. Maddicott, 'The Mise of Lewes 1264', *EHR* 98 (1983), 588-603, at 589-90).

¹⁰ J. R. Maddicott, *Simon de Montfort* (Cambridge, 1994), 271.

¹¹ *C&S*, 698-99; *CR* 1264-68, 82.

¹² Heidemann, 225-8.

¹³ *CPR* 1258-66, 370; Heidemann, 235 n. 1, 238.

¹⁴ *RCWL*, 144-8.

¹⁵ *Foedera*, 449; *Cronica Maiorum*, 71; *Dunstable*, 238; *DBM*, 308-15.

¹⁶ O. de Laborderie, J. R. Maddicott, D. A. Carpenter, 'The Last Hours of Simon de Montfort: A New Account', *EHR* 115 (2000), 378-412, at 410.

¹⁷ *Dunstable*, 211; *CPR* 1258-66, 46.

accusations about alleged offences committed against clerks provided by the papacy.¹⁸ Although to the pope he was *persona non grata*, with England cut off from papal authority after the battle of Lewes and the barring of the papal legate from English territory, Gravesend was an important supporter of the new regime. He probably surrendered to Montfort his castles of Newark and Sleaford in the critical period immediately following Lewes.¹⁹ He certainly witnessed the Form of Peace that set up the new Montfortian council.²⁰ Like Walter de Cantilupe, Gravesend dug into his own pocket to support the new regime. In the dangerous summer months of 1264 he provided £100 for the king's (or rather Montfort's) 'urgent affairs.'²¹ He is likely, like de Cantilupe, to have been one of those who pronounced sentence of excommunication against infringers of the Charters and Provisions at the Hilary parliament in 1265.²² His commitment to the Montfortian cause endured even after Evesham. The contrition he displayed to the papal legate and king was apparently a ruse to cloak his activities in France, where he went in December 1266 to meet, in all likelihood, with Montfortian exiles. He was reproved by Clement IV for 'disclosing to them his [the king of England's] secrets, and allowing them to use his servants to communicate with England.'²³

The bishops of Winchester, London and Chichester apparently joined the reform movement after their elections (or in the bishop of Winchester's case, his provision) in 1262,²⁴ probably following Montfort's return to England at the end of April 1263. The bishop of London put his seal to the reformers' case handed to Louis IX at Amiens in December 1264. The following March, the bishops of Winchester and Chichester joined him in proclaiming their allegiance to the earl when all three approached the king, along with the bishop of Worcester, on behalf of the barons offering to abide by the Mise of Amiens as long as the king agreed to govern by natives.²⁵ Around the same time, like the bishops of Worcester and Lincoln, the bishop of Winchester provided financial support to the regime (to the tune of 120 marks) and likewise the bishop of London, in conjunction with Richard of Mepham

¹⁸ *CPL*, 400–01.

¹⁹ *CPR 1258-66*, 314.

²⁰ *DBM*, 298–9.

²¹ *CPR 1258-66*, 333.

²² *Foedera*, 449.

²³ *CPL*, 421.

²⁴ John Gervase, bishop of Winchester, prov. 22 June, cons. 10 Sept 1262, d. 20 Jan 1268; Henry of Sandwich, bishop of London, el. 13 Nov 1262, cons. 27 May 1263, d. 15 Sept 1273; Stephen Berksted, bishop of Chichester, el. 26 May–20 June, cons. 24 Sept 1262, d. 21 Oct 1287.

²⁵ *DBM*, 284–5; *Annales Londonienses*, 61.

archdeacon of Oxford, leant 200 marks.²⁶ The bishop of Chichester was Montfort's chosen envoy before the battle of Lewes and, following the earl's victory, was set up as one of the three 'electors' to choose the new council of nine.²⁷ The bishop of London was one of the nine councillors chosen, whose task was to govern the realm. The bishops of London and Winchester travelled with Walter de Cantilupe to meet the papal legate in France in September 1264 where, like the bishop of Worcester, they affirmed their commitment to the Montfortian constitution.²⁸ Like de Cantilupe and Gravesend, they are likely to have pronounced the sentence of excommunication against those contravening the Charters and Provisions at the Hilary Parliament of 1265.²⁹

These bishops, therefore, provided vital support for Montfort's regime. They gave counsel, helped to operate government, supplied financial aid, constructed arguments to justify the regime to its critiques and, overall, invested the movement with a degree of authority that it would otherwise have lacked. We might imagine, too, that their support provided Montfort with a vital line of communication into the localities. In the battle for 'hearts and minds', preaching was an important weapon and one that the bishops offered through the encouragement of friars and parish clergy in their dioceses. The power of Montfortian preaching was a serious cause for concern for the royalists. Writing in August 1260, John Mansel lamented that 'if only the lord king would have preachers working for him of the sort the opposition party have, it would be better for him.'³⁰ That many were preaching in support of Montfort is confirmed by the *Flores Historiarum*, whose author complained that 'certain people' were 'plastering the wall built by the rebels... with the blandishments of their preaching and approbation'.³¹ Henry III certainly anticipated that his return to power in May 1262 would be met by Montfortian preaching, as he ordered the sheriffs to arrest anyone in their counties who 'presumes to persuade the people or preaches against us and our honour'.³² The sheer volume of people of all ranks to whom these bishops, as rulers of their dioceses, potentially had access was immense. The dioceses of Chichester, Winchester, London, Worcester and Lincoln covered vast swathes of central and south-east England,

²⁶ *CPR 1258-66*, 342, 345.

²⁷ *Song of Lewes*, ll. 193-7; *DBM*, 295 n. 4.

²⁸ Heidemann, 235 n. 1, 238.

²⁹ *Foedera*, 449.

³⁰ *Royal Letters*, ii, 158.

³¹ *Flores Historiarum*, III, 266,

³² *CR 1261-64*, 123.

including the city of London. The diocese of Lincoln alone covered the best part of nine counties, including the Montfortian heartlands; Gravesend commanded eight archdeacons and seventy-seven deans; he presided over sixteen hundred parishes and ministered to the souls of about one-fifth of the entire population of England.³³ The English bishops were also experienced in communicating political programmes to their flocks. As discussed further in chapter five, they had made extensive efforts in 1253 to publicise the sentence of excommunication enforcing Magna Carta and the Charter of the Forests.³⁴ In 1255, Richard Gravesend, then dean of Lincoln, was appointed to publish the papal confirmation of the sentence and showed a keen awareness of the most efficacious methods of disseminating the Charters as well as the papal confirmation of the sentence throughout England.³⁵ In winning the support of these bishops, Montfort had secured a formidable alliance.

This support was utterly different in nature and scale to anything given by bishops to earlier rebellions. Stephen Langton, archbishop of Canterbury 1207-1228, had been suspected by King John of conniving with the rebels towards the end of John's reign and was suspended for refusing to pronounce the papal sentence of excommunication against the king's opponents in the summer of 1215.³⁶ Yet Langton never unambiguously allied himself with the rebels and, in fact, might well have had grave doubts about the morality of the rebellion.³⁷ Roger of Wendover's account of his collusion with baronial opposition at St Paul's in 1213 was based on rumour.³⁸ John's later suspicions of the archbishop were probably unjustified and Langton was arguably well within his rights not to execute a papal mandate issued without knowledge of Magna Carta and the current situation.³⁹ Langton might not have been an enthusiastic supporter of John but (as will be argued in chapters One, Four and

³³ R.W. Southern, *Robert Grosseteste: the Growth of an English Mind in Medieval Europe* (Oxford, 1986), 235, 237.

³⁴ *Chronicle of John of Wallingford*, given in *C&S*, 477; D. A. Carpenter, 'Magna Carta 1253: new light on the negotiations and the ambitions of the church', *Fine of the Month* (August, 2011), available online at <http://www.finerollshenry3.org.uk/content/month/fm-08-2011.html>, paras. 2-4.

³⁵ *Burton*, 320-2; M. T. Clanchy, *From Memory to Written Record: England 1066-1307* (2nd edn., Oxford, 1993), 266; N. C. Vincent, 'The Thirteenth Century Bishops', in *Ely: Bishops and Diocese 1109-2009*, ed. P. Meadows (Woodbridge, 2010), 26-69, at 43-4.

³⁶ The king interpreted Langton's refusal to surrender Rochester castle as treacherous and later suspected the archbishop of plotting with the rebels: J.C. Holt, *Magna Carta* (Cambridge, 1992), 282, 362.

³⁷ D. A. Carpenter, 'Archbishop Langton and Magna Carta: His Contribution, His Doubts and His Hypocrisy', *EHR* 126 (2011), 1041-65, at 1052-3.

³⁸ Carpenter, 'Archbishop Langton', 1047-8.

³⁹ Holt, *Magna Carta*, 282; C. Holdsworth, 'Langton, Stephen (c.1150-1228)', *ODNB* (2004), available online at <http://www.oxforddnb.com/view/article/16044>.

Seven) he did not advocate taking aggressive action against kings, preferring the role of peacemaker. When John's son Henry came to the throne in the midst of a rebellion that saw one third of the country controlled by the son of the French king, he was able to rely on widespread episcopal support. At least seven bishops attended his coronation in 1216 and eleven joined the council called at Bristol a month later.⁴⁰ In contrast, during the 1260s, at the very time when Henry confronted the greatest attack on royal power that had ever been seen in England, he faced an unprecedented erosion of ecclesiastical support. How and why this state of affairs came to be and what it meant for the bishops that deserted the king is the subject of this thesis.

Historiography

This study brings together what have traditionally been separate specialities in the study of thirteenth-century English history: 'the politics of kings and barons', 'scholasticism' and 'the Church'.⁴¹ One objective of the current work is to show how rigid adherence to these categories can sometimes be problematic. The bishops, perhaps more than any other senior members of the community of the realm, had multiple selves that combined and sometimes conflicted, a point that is central to the argument of the thesis. In order to accommodate the scope of the topic, I have had to absorb a range of influences – from administrative history to anthropological theory – and examine a variety of records – from exchequer rolls to Aristotelian commentary. Rather than going in to great detail on any one aspect, I instead pick out some of the broad themes of episcopal culture and activity in thirteenth-century England, themes that also cut across the history of the Barons War.

Having claimed that the scope of the thesis will be broad, it is perhaps useful to make clear at this point what it does not do. Strictly speaking, it does not deal with 'scholasticism' in the pure sense of university debate since the works examined were not penned in the schoolroom. Those of Robert Grosseteste (bishop of Lincoln 1235-53) with which I will be concerned below were written by an active pastor and politician keen to make Aristotle relevant, and should be read as such, whilst those of the Montfortian bishops were written in the heat of civil war. The thesis addresses 'Church history' in the sense that it pursues the activities of the English bishops as a group, their identity, interests and ideas, though only in

⁴⁰ D.A. Carpenter, *The Minority of Henry III* (London, 1990), 19.

⁴¹ M. T. Clanchy, 'Inventing Thirteenth-Century England: Stubbs, Tout, Powicke – Now What?', *TCE* v (1993), 1-20, at 15-16.

as far as they relate to the bishops' participation in politics. The current work is not concerned with other topics particularly germane to the thirteenth-century Church, such as ecclesiastical administration, jurisdictional conflicts with royal administration or the impact of the Fourth Lateran Council on pastoral care. It might be more accurate instead to say that topic in hand is 'the role of bishops qua bishops in the politics of kings, bishops and barons'; how the identity of thirteenth-century bishops affected or was related to their role in politics in times of political crisis. The result is not a narrative of episcopal involvement in the events surrounding Magna Carta, 'Henry III's Lesson in Kingship' in 1234 or the period of reform and rebellion 1258-65.⁴² For the earlier period, this is provided in works on Stephen Langton and Edmund of Abingdon by Nicholas Vincent and Hugh Lawrence.⁴³ Debate surrounding Langton's activities between 1213 and 1215 and his involvement in the creation of Magna Carta remains lively,⁴⁴ though that is not a subject addressed here. Rather than weighing up what Langton might or might not have done, a task that in any case might never have taken the discussion beyond what has already been written, I have fixed on those moments of relative certainty that might contribute to a broader discussion of episcopal political action in the thirteenth century, particularly Langton's meeting with King John on his return to England in 1213 and his enforcement of Magna Carta by sentence of excommunication in 1225. For the period covering the reform movement and the rule of Simon de Montfort, an account of much of the bishops' activity can be found interwoven into the narrative contained in John Maddicott's biography of the earl.⁴⁵ I have gone into narrative detail in those areas where it was particularly important to gain a precise understanding of episcopal activity, namely for the reform parliaments of 1258 and the period surrounding the outbreak of civil war in 1264. Otherwise, a more thematic approach is taken to analyse the bishops' actions and the arguments they produced.

⁴² The heading 'Henry III's Lesson in Kingship' is taken from the chapter 4 in F. M. Powicke, *Henry III and the Lord Edward: the community of the realm in the thirteenth century* (Oxford, 1947), 123-55.

⁴³ N. C. Vincent, 'Stephen Langton, Archbishop of Canterbury', in L.-J. Bataillon, N. Bériou, G. Dahan, R. Quinto (eds.), *Etienne Langton, prédicateur, bibliste, théologien* (Turnhout, 2010), 51-123; N. C. Vincent, *Peter des Roches: An alien in English politics, 1205-1238* (Cambridge, 1996); *The Life of St Edmund by Matthew Paris*, ed. and trans. C. H. Lawrence (Oxford, 1996).

⁴⁴ J. Baldwin, 'Master Stephen Langton, Future Archbishop of Canterbury: The Paris Schools and Magna Carta', *EHR* 123 (2008), 811-46; Carpenter, 'Archbishop Langton', 1041-55.

⁴⁵ Maddicott, *Simon de Montfort*.

Overall, the thesis is inspired by the research of David d'Avray and John Baldwin that asks how, or how far, the ideas of scholarly churchmen inspired their actions on the ground.⁴⁶ Much of this work has concentrated on Langton but has looked forward to the bishops that followed him in the thirteenth century.⁴⁷ The question of what inspired ecclesiastical support for Montfort has been raised both by David Carpenter and John Maddicott, both of whom suggested the influence of Robert Grosseteste,⁴⁸ though the question has not been addressed in its own right on any scale. Prompted by the questions and conclusions of these works, the research for this thesis was begun with the following hypothesis in mind: Stephen Langton's study of the Bible encouraged him to extend and promote the bishops' role as overseer of government through the enforcement of Magna Carta and the Charter of the Forests by sentence of excommunication. His work was continued by Edmund of Abingdon and then by Robert Grosseteste, both of whom sought to enforce the Charters. Meanwhile, these same bishops continued in the tradition of Anselm and particularly Thomas Becket in challenging royal policy when it transgressed the limits of good government, a characteristic that earned English bishops a reputation for sanctity.⁴⁹ Grosseteste was a great friend and mentor to Simon de Montfort and at least one of his episcopal supporters, Richard Gravesend, with whom he shared his work on Aristotle, particularly that concerned with kingship.⁵⁰ The Montfortian bishops, therefore, in supporting the movement of reform and rebellion, would likely be following in the path of their predecessors. It might be thought that one would be able to trace, in the arguments put forward by the Montfortian ecclesiastical milieu in favour of the reform constitution, the development of ideas on kingship and government espoused by Langton and, particularly, Grosseteste.

However, having examined the actions of Langton and Edmund of Abingdon, as well as the writings of Grosseteste, on the one hand, and the actions and writings of the Montfortians,

⁴⁶ D.L. d'Avray, '«Magna Carta»: its Background in Stephen Langton's Academic Biblical Exegesis and its Episcopal Reception', *Studi Medievali* ser.3, 38:1 (1998), 423-38; Baldwin, 'Master Stephen Langton'.

⁴⁷ d'Avray, 'Magna Carta', 432-4.

⁴⁸ D.A. Carpenter, 'St Thomas Cantilupe: his political career', in his *The Reign of Henry III* (London, 1996), 293-307, at 295-8; D. A. Carpenter, 'Simon de Montfort: The First Leader of a Political Movement in English History', in his *Reign of Henry III*, 219-39, at 229-30; Maddicott, *Simon de Montfort*, 77-105, 167-9.

⁴⁹ A. Vauchez, *Sainthood in the Later Middle Ages*, trans. J. Burrell (Cambridge, 1997). 167-70.

⁵⁰ Gravesend accompanied Grosseteste to the papal court in 1250, where Grosseteste made his case against the Archbishop of Canterbury based on Aristotelian principles. Gravesend drew up the 'memorandum' reciting Grosseteste's case (J. Goering, 'Robert Grosseteste at the Papal Curia', in J. Brown and W. P. Stoneman (eds.), *A Distinct Voice: Medieval Studies in Honor of Leonard E. Boyle, O.P.* (Notre Dame, IN, 1997), 253-76, at 254-5).

on the other, it soon became clear that this hypothesis was false, at least in the form stated in the previous paragraph. Langton as theologian and bishop began to extend episcopal involvement in politics beyond questions concerning the freedom of the Church into the area of the good governance of the realm, an interest that Grosseteste pursued. Without this background, the Montfortian bishops could never have acted as they did. However, Langton, Edmund and Grosseteste were far more supportive of royal power – in Grosseteste’s case one might even say enthusiastic – than had hitherto been thought and so their actions and arguments did not justify the steps taken by the Montfortians, which hamstrung royal power. Therefore, having far surpassed the limits of acceptable action set out by their predecessors, the Montfortians did not have a foundation from which to build their arguments. The task of the thesis was, then, to look instead at how, given that actions of both bishops and barons on the ground radically breached the limits set out in the ecclesiastical discourse of royal power, those bishops involved were forced to produce new arguments in the crucible of political crisis. These new arguments were, to coin a term, exothermic: they were a sort of energy produced as a result of an event, rather than serving to fuel the event in the first place.

The first half of this thesis, therefore, seeks to put the actions of the Montfortian bishops in context but setting out something of the culture of their milieu. By ‘culture’, I follow the conception of Clifford Geertz: ‘Believing, with Max Weber, that man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning.’⁵¹ The first four chapters, therefore, identify and explain a few strands of these webs: how episcopal identity was constructed and perpetuated, how profoundly self-conscious ideas of historical place and current purpose were shared through rituals, writing and regular meeting. The second half of the thesis examines how the Montfortian bishops relate to this cultural context and how the ambivalence and discomfort caused by their radicalism marks their actions and arguments.

This approach demonstrates two fundamental points: firstly, how far the Montfortian bishops were dislocated from the place in the political community to which their upbringing had conditioned them and, secondly, how their acts and writing reflect a resulting

⁵¹ C. Geertz, ‘Thick Description: Toward an Interpretive Theory of Culture’, in his *The Interpretation of Cultures* (New York, 1973), 3-30, at 5.

disquiet. This conclusion contradicts a general sense that the Montfortians were simply continuators of a linear tradition in which English bishops challenged kings whose policy breached the limits of the acceptable use of royal power. This tradition is described by Björn Weiler: ‘one of their [the bishops’] most basic functions [was] to admonish, chastise and correct the king. Standing up to the king was, in fact, the sign of a saintly prelate... This is not to say that bishops always and willingly challenged their kings, but that... the English prelates who did so acted within an established tradition of providing moral and political oversight over the king and his officials.’⁵² This tradition was important but only one part of a more complex picture; one strand, if you will, in the episcopal web of significance. By examining how exactly bishops went about this task of correcting royal behaviour, how they did so as members of the broader political community and how the measures they took expressed concepts of royal power described in their scholarship, their actions seem less confrontational and more constructive. More generally, this thesis seeks to show how episcopal corrections of the king were not simple iterations, unaltered and unalterable, but part of a complex, mutating, expanding episcopal culture fed by the creative agency of its protagonists.

Structure of the Thesis

This thesis is divided into eight chapters, the first four considering episcopal involvement in politics before 1258 and the final four considering the period of reform and rebellion. **Chapter One** considers the role of archbishops of Canterbury and their suffragans as peacemakers. Focusing on two key moments, in 1213 and 1234, it examines accounts by Roger of Wendover (and the additions made by Matthew Paris) describing approaches made to the king by Stephen Langton and Edmund of Abingdon, in which the archbishops sought to correct unacceptable royal behaviour. Analysing these events as rituals, with reference both to the processual approach and ethnographic case studies of Victor Turner and to the reading of a ritual’s performance advocated by Edward Schieffelin,⁵³ it is argued that they should not be viewed as aggressive or confrontational acts. Rather they should be viewed as references to the coronation ritual, constructive attempts to re-make the king symbolically, transforming him from a deviant king to a pious one. This is placed within a broader framework of episcopal peacemaking, casting the bishops as ‘hinge-persons’ according to the classic model

⁵² B. Weiler, *Kingship, Rebellion and Political Culture: England and Germany, c.1215-c.1250* (Basingstoke, 2007), 160-61.

⁵³ V. W. Turner, ‘Liminality and Communitas’, in his *The Ritual Process: Structure and Anti-Structure* (London, 2008 [1969]), 94-130; E. L. Schieffelin, ‘Performance and the Cultural Construction of Reality’, *American Ethnologist* 12 (1985), 707-24.

of Max Gluckman and looking to the conception of peacemaking as an ongoing creative process put forward by Laura Ring.⁵⁴ The conclusion reached is that, far from offering support for rebellion, English bishops sought to maintain their loyalty to both sides and particularly the king, making them authorised and incentivised to act as peacemakers, and used their special place and powers in the political community to effect change in the king for the sake of peace. The role of peacemaker with divided loyalties was an important component of episcopal identity.

Chapter Two examines the meetings of the English prelates during the reign of Henry III. It takes inspiration from the work of Janet Nelson on the role of national ecclesiastical assemblies in forging a corporate solidarity among senior churchmen, gathered to consider 'national' interests, in early medieval Europe (although, following the lead of Susan Reynolds, the adjective 'regnal' is preferred here to 'national').⁵⁵ Through regular meetings held on a regnal basis, many called in response to the king's demands for financial aid, English bishops in the thirteenth century increasingly were forged, and through their own endeavours forged themselves, into a self-conscious unified body. The ecclesiastical meetings of these years also reveal the *modus operandi* of the English bishops when faced with royal demands for taxation. They sought to pursue a process of negotiation, bargaining their way into a stronger position by counter-demanding redress for their grievances when confronted with requests for aid. This sort of strategy, aligned with the mechanism by which lay taxation was granted in return for Magna Carta, did not compare in means or ends with the sort of action taken by the reformers in 1258.

Chapter Three applies the themes of the first two chapters to a comparison of England and the kingdoms of the Iberian peninsula. Iberia was chosen for this comparison since it was an alternative to the more usual choice of France and it was hoped that looking beyond the realm of Louis IX, a king who never experienced the financial difficulties that brought his brother-in-law into regular contact with his bishops, might provide some interesting areas for discussion. The Iberian peninsula, meanwhile, like England saw in the thirteenth century one of the rare and remarkable instances of barons and bishops uniting to

⁵⁴ M. Gluckman, 'The Peace in the Feud', *Past and Present* 8 (1955), 1-14; L. A. Ring, *Zenana: Everyday Peace in a Karachi Apartment Building* (Bloomington, IN, 2006).

⁵⁵ J. L. Nelson, 'National Synods, Kingship as Office, and Royal Anointing: an Early Medieval Syndrome', *Studies in Church History* 7, ed. G.J. Cuming and D. Baker (Cambridge, 1971), 41-59; S. Reynolds, *Kingdoms and Communities in Western Europe 900-1300* (2nd edition, Oxford, 1997), 250-56.

displace a king from power. This was in Portugal when Sancho II was pronounced *rex inutilis* in 1245. The comparison has been a fruitful one. In contrast to England, the episcopates of the Iberian peninsula were generally disunited and possessed little power in relation to the king, since they rarely gathered in assemblies (in Castile because they were forbidden by the king) and so had little sense of corporate solidarity and collective strength. They also played no real role in regnal rituals like king-making and so had little symbolic capital to intervene in royal policy. This meant that, unlike the English, the Iberian bishops had little motivation or power to intervene in regnal politics and reform the king. They were, consequently, sometimes driven to unite and take drastic action against kings who overstepped the mark but, importantly, they did so in the safe space of the papal court under papal direction. When viewed alongside their counterparts in the Iberian peninsula, the scope of the English episcopate to effect change in the king and the operation of royal power is quite astounding and, therefore, the choices of the Montfortian bishops – who operated outside of a sanctioned framework – all the more controversial. Importantly too, this comparison shows how unusual were the motivations and objectives of English bishops, namely in enforcing good government for the kingdom at large. Whilst the Iberian bishops moved against kings because they infringed ecclesiastical liberties, English bishops from Langton onwards took responsibility for questioning royal policy not only towards the Church but also towards the king's lay subjects.

Chapter Four examines Robert Grosseteste's writing on kingship. It brings together a variety of his works, including his commentary on Book Eight of Aristotle's *Nicomachean Ethics*, a source that has received little attention and has not been examined by historians for its insights into the bishop's 'political thought'.⁵⁶ The commentary provides important context for the case made by Grosseteste at the papal court in 1250, an extract from which (entitled 'On kingship and tyranny') was sent to Simon de Montfort. Whilst several historians, including William Pantin, Reginald Treharne and John Maddicott,⁵⁷ have looked at this 'memorandum' to see what relation it bore to the actions of the Montfortian reformers, the arguments it

⁵⁶ J. McEvoy, 'Grosseteste's Reflections on Aristotelian Friendship: A 'New' Commentary on *Nicomachean Ethics* VIII.8-14' in J. McEvoy (ed.), *Robert Grosseteste: New Perspectives on his Thought and Scholarship* (Belgium, 1995), 149-68, introduces the commentary and picks out some of its themes.

⁵⁷ W.A. Pantin, 'Grosseteste's Relations with the Papacy and Crown' in *Robert Grosseteste, Scholar and Bishop. Essays in Commemoration of the Seventh Centenary of His Death*. ed. D.A. Callus (Oxford, 1955), 178-215, at 205; R. F. Treharne, 'The Personal Role of Simon de Montfort in the period of baronial reform and rebellion, 1258-65', *Proceedings of the British Academy* 40 (1954), 75-102, at 80-81; Maddicott, *Simon de Montfort*, 94-5, 355.

contained have never been fully appreciated. When looking at the memorandum in conjunction with Grosseteste's Aristotelian scholarship and his letters, the bishop's thoughts on kingship can be viewed in the round. Such an analysis shows how Grosseteste was remarkably supportive of royal power, since its operation was integrated into his entire world view. Far from providing grounds for Montfortian-style action, he argued against any sort of conciliar constraint on kings and the diversion of royal power towards subordinates. However, his Aristotelian scholarship argued that kings needed vast amounts of money to operate government without burdening their subjects financially. He thus made royal finances a moral issue of the highest import. It is suggested, therefore, that whilst Grosseteste's writings do not condone let alone encourage the baronial seizure of power, the bishops' arguments might well have influenced efforts to reform the exchequer and royal finance in 1258 and 1259. The scope and determination of the barons' financial reforms has become clear only quite recently as a result of the research of Richard Cassidy in editing the 1258-9 pipe roll.⁵⁸ When Grosseteste's arguments are viewed in conjunction with this research, the suggestion of John Maddicott and Adrian Jobson that the baronial treasurer, John Crakehall, was chosen because of his connections with Grosseteste can be taken much further.⁵⁹ Since Crakehall accompanied Grosseteste to Lyons and therefore was well acquainted with his Aristotelian arguments on kingship and the morality of sound royal finance, he was the perfect candidate to spearhead the reforms that would restore Henry III's finances and prevent him from placing financial burdens on his subjects.

Chapter Five constructs a narrative of episcopal activity at the reforming parliaments of 1258, building on that laid out for baronial activity by David Carpenter and Huw Ridgeway.⁶⁰ An analysis of the bishops' role in the reforming parliaments has not previously been undertaken; both Daniel Williams' thesis on Boniface of Savoy (archbishop of Canterbury 1241-70) and Clive Knowles' entry for the archbishop in the *Oxford Dictionary of*

⁵⁸ See, for instance: R. Cassidy, 'The Reforming council takes control of fines of gold, 1258-59', *Fine of the Month* (October, 2011), available online at <http://www.finerollshenry3.org.uk/content/month/fm-10-2011.html>.

⁵⁹ Maddicott, *Simon de Montfort*, 171; A. Jobson, 'John of Crakehall: the 'Forgotten' Baronial Treasurer, 1258-60', *TCE* xiii (2009), 83-99, at 88.

⁶⁰ D. A. Carpenter, 'What happened in 1258?', in his *Reign of Henry III*, 183-97; H. W. Ridgeway, 'The Lord Edward and the Provisions of Oxford (1258): A Study in Faction', *TCE* i (1986). 89-99.

National Biography gloss over the subject.⁶¹ Important here is the possibility, mentioned by Knowles and integrated by John Maddicott into his account of 1258, that Boniface of Savoy and his suffragans pronounced sentence of excommunication in support of the oath to the reform programme made at Oxford.⁶² It is argued here that this was unlikely and that, in any case, the bishops certainly did not deploy such a sentence when news of reform was promulgated in the counties, in October. Whilst Boniface might initially have lent support to the reform programme and joined the reforming council of fifteen in order, in line with his Savoyard loyalties, to oust the Lusignans from court, only one bishop, Walter de Cantilupe of Worcester, supported the reform programme wholeheartedly in these initial stages. This was because the baronial seizure of royal power was incongruent with the ecclesiastical discourse on royal power. Events might, however, have progressed very differently had Boniface followed the example of his predecessors, Stephen Langton and Edmund of Abingdon, in stepping forward to remake the erring king for the sake of peace. The archbishop did not do so, however, partly because he recognised in the reformers' plans an opportunity to expel the Lusignans, and partly because he interpreted his role as archbishop of Canterbury as defender of ecclesiastical liberty to the exclusion of most other concerns and was engrossed with discussions of ecclesiastical grievances.

Chapter Six considers how those bishops suspended in 1266 came to join Montfort in his cause. It examines a significant moment in their story, the king's muster at Oxford in Lent 1264, when the bishops of Lincoln and Winchester publicly declared their loyalty to Montfort by refusing the king military service. In the following months, along with the bishops of London and Worcester, they went on to provide financial support for the Montfortian regime. In renouncing their loyalty to the king, these bishops strayed from the path of their predecessors, who had carefully maintained loyalty to both king and barons when tensions threatened the stability of the realm in order to act as peacemakers. In choosing sides in 1263-5, these bishops became partisans. This elemental change is largely explained by the charisma, in the Weberian sense of the word, of Simon de Montfort. The bishops shared a powerful belief that the earl was divinely inspired and sanctioned, a belief that resounds in the *Song of Lewes*. The chapter then considers the approach made to the king by these bishops

⁶¹ D. Williams, 'Aspects of the Career of Boniface of Savoy, Archbishop of Canterbury 1241-70' (University College of Wales D. Phil thesis, 1970); C.H. Knowles 'Savoy, Boniface of (1206/7-1270)', *ODNB* (2004), available online at <http://www.oxforddnb.com/view/article/2844>.

⁶² Knowles, 'Savoy, Boniface'; Maddicott, *Simon de Montfort*, 162.

at Oxford in Lent 1264 in the light of those made by Langton and Edmund in earlier times. Presenting themselves as peacemakers in the Langtonian mould, the Montfortian bishops were rejected by the royal party because in fact they were displaying disloyalty to the king. Their disjointed actions reflect the ambivalence and discomfort caused by the shift from peacemakers to partisans that was incongruent with the world-view of their milieu. The final part of the chapter examines the role of the bishops in the Montfortian regime between 1263 and the battle of Evesham.

Chapter Seven examines the arguments put forward by the Montfortian bishops and their associates in support of conciliar government. These are contained in three documents: the *Mise of Amiens*; the letters contained in the register of the papal legate, Gui Foulquois, and the *Song of Lewes*. The *Mise* and the *Song*, though well known, have not been analysed in this context before, while the legatine register has received little attention. Brought together, these documents demonstrate how the bishops formed their arguments and how, in contrast to the shaping of ideas that influenced ecclesiastical support for Magna Carta, those arguments were developed not in the ivory tower of the schoolroom but in their immediate political context and marked fundamentally by considerations of the audience at which they were directed. The bishops were attempting to rationalize and justify what was in reality highly subversive action and the intellectual conflict that this created left its trace in their arguments. While their justifications are not coherent as a political theory, they articulate fluently the effect on the production of ideas exerted by external pressures and the internal conflicts of those who created them.

Chapter Eight looks at the aftermath of the battle of Evesham. With the Montfortian regime destroyed and its leader killed, the Montfortian bishops sought absolution from king and pope. The chapter first records the restitution they were forced to proffer the king before turning to the view from the papal court. Central to the latter is a memorial sermon preached at the *curia* by Eudes de Châteauroux for John Gervase of Winchester. The sermon has been transcribed in a thesis by Alexis Charansonnet, who provides a brief analysis of it, but it has not been examined in depth before or in relation to the broader story of Gervase and his confederates. The sermon shows how those at the papal court regarded the bishops' activities as a deviation from the '*path of life* leading to life' (Jer. 21: 8). Recognising sympathetically that Gervase had believed he was doing the right thing, those at the *curia* also felt he had been

led astray by an infatuation with learning and a misguided zeal for justice. The bishop's fall, Eudes suggests, should be understood ultimately as a demonstration of divine mercy, since it provided Gervase with an opportunity to redeem himself and so prove himself worthy of salvation. The sermon thus provides an invaluable opportunity to understand how the bishops' rebellion was viewed at the time by other ecclesiastics at the papal court.

Chapter One

The form and importance of episcopal peacemaking

On Tuesday 16 July 1213, Stephen Langton, the exiled archbishop of Canterbury, landed at Dover. He was accompanied by the bishops of London, Ely, Lincoln and Hereford as well as other clerics who had been in exile during the interdict. They approached the king at Winchester on 20 July but the king, having heard of their arrival, came to them instead. Seeing the archbishop and bishops, he fell down on the ground at their feet and with profuse tears implored them to have mercy on him and the kingdom of England. The archbishop and bishops, seeing the humility of the king, tearfully lifted him from the ground and led him from both sides to the doorway of the cathedral church and on in to the chapter house where, singing the fiftieth psalm, they absolved him, whilst the magnates looked on and wept abundantly with joy. According to the terms of the absolution the king swore, touching the holy Gospels, that he would hold dear the Church and her clergy, defend them and maintain them against all their enemies with all his power. He also swore to revive the good laws of his ancestors, and especially the laws of king Edward, to destroy iniquitous laws and to judge all his men according to the just judgement of his court, and he would restore his laws for all. He also swore that he would restore in their entirety those things seized on account of the interdict, before next Easter, agreeing that if he failed to do so the sentence of excommunication would be brought once more against him. Moreover, he swore fidelity to Pope Innocent and his catholic successors. Langton then led him into the church, where the archbishop celebrated Mass. Afterwards, the archbishop, bishops and magnates sat down with the king at table and feasted joyfully and agreeably.¹

Twenty-one years later, during the Candlemas colloquium at Westminster in 1234, several bishops were rebuked for being over-familiar with Richard Marshal, who was then in rebellion against Henry III, and were accused of plotting to overthrow the king. The bishop of Coventry, full of righteous indignation, was roused to anger and excommunicated all those who were genuinely guilty of such crimes. His actions proved the innocence of the bishops to

¹ Roger of Wendover in *CM*, II, 550.

all present. At the same assembly, Edmund of Abingdon, the archbishop elect of Canterbury, and his suffragans were moved by compassion for king and kingdom to approach the king and present an extensive critique of recent royal policy. They complained that the king's counsellors, Peter des Roches bishop of Winchester and his nephew Peter de Rivallis, had divided the king from his kingdom. Their counsel had unfairly provoked the exclusion of Richard Marshal, the best man in the land, from court and had caused war and civil discord both in the reign of King John and during Henry's minority. Now once again, warned the bishops, such dangerous counsel threatened to disturb the kingdom. The situation could be saved, however, if Henry would deal justly with his subjects. The bishops were thus obliged, they said, to intervene now for the sake of peace. They faithfully advised the king to remove des Roches and de Rivallis from court and govern through faithful native men, warning him that should he fail to do so he would be excommunicated, as soon as Edmund was consecrated as archbishop. The king responded humbly but asked for a period of respite, since he could not dismiss his counsellors until they had rendered account of the royal treasury. The colloquium dissolved, with everyone hoping that a resolution could be reached. Not long afterwards, on 2 April, Edmund was consecrated as archbishop, as the king and thirteen bishops looked on. A few days later, on 9 April, magnates and prelates reconvened with the king for another colloquium at Westminster. There, Edmund and his suffragans repeated their approach to the king, their critique of his rule and their warnings about the danger looming over the land. They also repeated their threat to excommunicate the king together with all who threatened the peace and concord of the kingdom. This time, though, Henry was moved by a spirit of piety and responded humbly to the bishops that he would comply with all their advice. Contrite and appreciative of his errors, Henry sent Peter des Roches back to his diocese and expelled Peter de Rivallis acrimoniously from court.²

These two remarkable accounts have much in common. Both were recorded by Roger of Wendover, and included by Matthew Paris in his *Chronica Majora*. More importantly, both describe the intervention of the archbishop of Canterbury, supported by his suffragans, when the reprehensible behaviour of a king provoked his subjects into rebellion, so that civil unrest threatened the peace of the kingdom. These two events were, as this chapter will argue, essentially two sides of the same coin: rituals to remake an errant king, transforming him from an unworthy ruler into a pious one. Langton created this ritual, drawing on several

² *CM*, III, 268-72.

resources: the ritual language of the coronation, the role of Old Testament prophets and the example of his archiepiscopal predecessors in chastising wayward kings, and his theological appreciation both of the necessity of good kingship and his own responsibility for enforcing it. Edmund of Abingdon followed his example. These ritual moments are important for what they reveal of English episcopal culture and how that culture was enriched by Langton in particular. There was far more to the episcopal job description in the thirteenth century than throwing criticism at errant kings. Langton set a precedent for his successors in making the peace of the kingdom his first priority, even over the liberty of the Church (at least in the short term) and, when illicit royal behaviour threatened the success of that objective, created a powerful tool to achieve his ends.

Wendover's account of Langton's reunion with king John after years of conflict has drawn some comment from historians, although its nature and significance has been interpreted differently. For Sir Maurice Powicke it was a significant event, rooting Magna Carta in English custom through the iteration of the coronation oath. He alone noted the palpable emotion of the scene and the liturgical character introduced by the singing of the fiftieth psalm.³ Sir James Holt recognised the importance of the oath sworn by John at Winchester in justifying the subsequent actions of the rebels and their appeal to Langton for support. Yet, whilst he offered speculations as to the content of the oath and its relationship to John's absolution, he offered no discussion of the remarkable context in which the oath was provided.⁴ For John Baldwin, the inclusion in the oath of a clause binding John to observe the laws of King Edward was a link in the chain that bound the Winchester oath to Langton's apparent promotion of Henry I's coronation charter and, subsequently, to Magna Carta.⁵ Langton's intervention at Winchester was an integral part of Powicke's portrait of the archbishop as a political moderate and peacemaker; Baldwin connects the Winchester oath with Wendover's report of Langton's appearance a month later at St Paul's, when the archbishop supposedly had Henry I's coronation charter read out to the assembled magnates and prelates and promised them all possible aid in their fight for the liberties contained therein, in order to portray Langton as a revolutionary leader.⁶ The disparity between these interpretations is understandable. Viewed from the vantage of hindsight, knowing that John

³ F. M. Powicke, *Stephen Langton* (Oxford, 1928), 112-13.

⁴ Holt, *Magna Carta*, 218-20.

⁵ Baldwin, 'Master Stephen Langton', 827-830.

⁶ *CM*, II, 552; Baldwin, 'Master Stephen Langton', 827-30.

probably repaid less than half of the damages he had promised at Winchester,⁷ and that the relationship between the king and archbishop was ultimately to be marked by mutual suspicion,⁸ the extravagant penitence of John and emotional charge of the reconciliation seems incongruous.

Yet Wendover's account merits further scrutiny. The chronicler appears to have recounted Langton's movements with a keen grasp of time and place and the narrative is generally accepted.⁹ The account of the assembly at St Paul's meanwhile, should be viewed with caution, not least since Wendover warned that it was based on rumour.¹⁰ Arguably, Wendover described the meeting at Winchester as felicitous because it had appeared so at the time, when Langton's return to England and John's submission encouraged hope in the formation of peace. For all that one is inclined to cast aspersions against John's sincerity, he 'was capable of acting with what seemed praiseworthy piety', as his reconciliation with the Cistercians showed.¹¹ Then, in 1200, John had similarly prostrated himself at the feet of his clerical adversaries, his face covered in tears, and his repentance had been accepted unquestioningly by the monks. To Ralph of Coggeshall, who recorded the reconciliation, John's dramatic repentance was due to nothing less than the intervention of God, who 'had so inclined the mind of the King to mercy and to reverence for the Order.'¹² Perhaps John was similarly moved, or had seemed to be, in 1213.

The event was especially significant because wrapped in so many levels of meaning: on a grand scale, it marked the reconciliation of the king with his magnates, native Church and papacy, including the archbishop who according to tradition should have been the king's chief advisor, as well as the bishops who had pronounced sentence of interdict on the kingdom, several of whom (like the bishops of London and Lincoln) had previously been servants of the royal court before answering the papal call to censure John.¹³ Langton had crossed the

⁷ D. A. Carpenter, *The Struggle for Mastery in Britain, 1066-1284* (Oxford, 2003), 286.

⁸ The king interpreted Langton's refusal to surrender Rochester castle as treacherous and later suspected the archbishop of plotting with the rebels: Holt, *Magna Carta*, 282, 362; Vincent, 'Archbishop Langton', 97-8.

⁹ Holt, *Magna Carta*, 218-19; Carpenter, 'Archbishop Langton', 1047; Baldwin, 'Master Stephen Langton', 827.

¹⁰ Carpenter, 'Archbishop Langton', 1047-8.

¹¹ D. A. Carpenter, 'Abbot Ralph of Coggeshall's Account of the Last Years of King Richard and the First Years of King John', *EHR* 113 (1998), 1210-1230, at 1212.

¹² *Coggeshall*, 107-10, at 109; Carpenter, 'Ralph of Coggeshall', 1220.

¹³ Vincent, 'Stephen Langton', at 81.

Channel on a Tuesday, as Thomas Becket had done on his return to England (one of the many Tuesdays that famously hosted the most important events of the saint's life).¹⁴ To many observers this second archiepiscopal return from exile might have seemed an ultimatum to the king, either to write the next chapter in the story of this conflict along very different lines to those of his father or else to suffer a similar stain on his memory. John's effusively positive response might well have encouraged the hope that this dispute would have a happier end. Most striking of all, though, was that all of this was achieved through the visible transformation of a king whom many previously had cause to fear into a ruler who promised now to rule in the tradition of St Edward, effected at the historic coronation church of the Anglo-Saxons kings.

Archbishop Edmund's intervention in 1234 was provoked by some of the same sort of illicit royal behaviour that had necessitated Langton's action in 1213, although the change brought about in Henry III appears to have been long-term. Since his return to England from crusade in the summer of 1231, Peter des Roches (bishop of Winchester 1205-38), had masterminded a takeover of government, which involved the ousting of the justiciar, Hubert de Burgh, and the accumulation of royal offices.¹⁵ The result was that the bishop's nephew, Peter de Rivallis, came near enough to monopolising the important offices of government.¹⁶ Between 1232 and 1233, under the malign influence of des Roches, Henry III made several decisions *per voluntatem regis*. The most infamous of these occurred when Henry disseised Gilbert Basset of the manor of Upavon, even though Basset possessed a royal charter guaranteeing his hereditary tenure.¹⁷ Henry's clear contravention of clause 39 of Magna Carta ('No free man shall be taken or imprisoned or disseised or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgement of his peers or by the law of the land')¹⁸ provoked concerted opposition from the magnates and prelates. It precipitated the rebellion of Basset's ally, Richard Marshal, and forced the hand of Edmund and his suffragans. Edmund's measures were largely effective.¹⁹ Although Henry was accused

¹⁴ Vincent, 'Stephen Langton', 82.

¹⁵ N. C. Vincent, *Peter des Roches: An alien in English politics, 1205-1238* (Cambridge, 1996), chp. 8.

¹⁶ Vincent, *Peter des Roches*, chps. 8-10; Carpenter, 'Hubert de Burgh', 49-58.

¹⁷ D.A. Carpenter, 'Justice and Jurisdiction under King John and Henry III', in his *Reign of Henry III*, 17-44, at 38-39.

¹⁸ Holt, *Magna Carta*, 461.

¹⁹ For the alternative view, see: M. T. Clanchy, 'Did Henry III have a policy?', *History* 53 (1968), 203-16.

of many things by the reformers between 1258 and 1265, he was not accused of breaking clause 39 of Magna Carta.²⁰

Langton's actions in 1213 provided the model for Edmund. As this chapter will argue, Langton's role at Winchester, in combination with his legislative activities and as part of a broader narrative of peacemaking, was to carve a course for his successors and introduce a powerful component into English episcopal identity. As the symbolic crescendo of his activities as archiepiscopal peacemaker, the events at Winchester in 1213 were imbued with a ritual potency from which his successors were to draw. Edmund of Abingdon based his intervention with Henry III on Langton's example. Edmund might actually have studied under Langton in Paris and so was probably familiar with much of his thinking,²¹ a connection that might well have encouraged him to follow in Langton's footsteps. Chapter five will examine how, in 1258, Boniface of Savoy did not follow the example of his predecessors when, in similar circumstances to those faced by Edmund in 1234, the king's misguided policies and collusion with unpopular counsellors caused discord with other *curiales* and threatened to provoke civil unrest. Unlike Langton and Edmund, Boniface did not rate the peace of the kingdom as his first priority, partly because he gave preference to his animosity with the Lusignans and partly because he interpreted his role as archbishop as the defender of ecclesiastical liberties almost to the exclusion of all else. Chapter six will consider how in 1264 the Montfortian bishops, although their role in the Montfortian programme far overstepped the measures Langton sanctioned, put aside Boniface's ideas of episcopal duty and drew from the example of Langton and Edmund in an attempt to legitimise their actions. These were conscious emulations, re-enactments of Langton's activities in 1213: the ritualised transformation of a wayward king, the re-making of the errant ruler into one who would be fit to govern his people, in an attempt to reconcile king and kingdom.

²⁰ D. A. Carpenter, 'King, Magnates and Society: the Personal Rule of King Henry III, 1234–58', in his *The Reign of Henry III* (London, 1996), 75–106, at 76–85.

²¹ It is possible that Edmund actually studied under Langton in Paris, although in any case he had 'shown himself a fearless critic of government in the Langtonian tradition' (C. H. Lawrence, *St Edmund of Abingdon: A Study in Hagiography and History* (Oxford, 1960), 122, 158; d'Avray, 'Magna Carta', 433).

The place of 'ritual' in medieval history

Since approaches to the analysis of ritual in medieval history have aroused animated debate,²² the identification of these events as rituals and the approach used to analyse them perhaps requires explanation. What constitutes a 'ritual'? The answer is made difficult by the fact that the term 'ritual', in its broadest sense, is 'notoriously vague and incapable of precise definition'.²³ Various attempts have 'proposed delimiting features [that] range from biological bases... to functional values... to linguistic, symbolic, or semiotic forms... to rejection of the category altogether'.²⁴ Each proposition creates its own difficulties. Whilst some would argue, for instance, that only to categorise as rituals those events marked by 'repetitiveness or... reference to transcendent values' is to risk excluding 'the formalized and symbolic behaviour of unique events and everyday life',²⁵ others would characterise ritual explicitly as those events involving a 'break with the "ongoing" structures of everyday life' through the inversions of liminality.²⁶ The study of ritual by medieval historians has been undertaken with a catholic version of the concept in mind. Numerous events analysed under the umbrella of ritual – from anointing, crown-wearing, adventus, occursus, supplication, to homage – could take place in various settings and spaces, liturgical and secular, and serve various purposes and agendas.²⁷ All these events could be categorised as 'ritual' using a broad definition of repeated or planned action not adequately explained by an obvious need. Whilst this inclusive approach has been criticised, notably by Philippe Buc,²⁸ individual instances of all of these rituals described in medieval texts can be matched to one definition or another. The fact that those definitions differ is perhaps more reflective of the variety of human experience than of woolly thinking on the part of the historian. The events of 1213 and 1234 discussed in this chapter defy any clear categorisation according to the forms of ritual previously identified and

²² P. Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, 2001); G. Koziol, 'The Dangers of Polemic: is ritual still an interesting topic of historical study?', *Early Medieval Europe* 11 (2002), 367-88; P. Buc, 'The monster and the critics: a ritual reply', *Early Medieval Europe* 15 (2007), 441-52.

²³ G. Koziol, *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca, NY, 1992), 289.

²⁴ J. D. Kelly and M. Kaplan, 'History, Structure, and Ritual', *Annual Review of Anthropology* 19 (1990), 119-150, at 120.

²⁵ Koziol, *Begging Pardon*, 289.

²⁶ W. O. Beeman, 'The Anthropology of Theater and Spectacle', *Annual Review of Anthropology* 22 (1993), 369-93, at 379; V. W. Turner, 'Liminality and Communitas', in his *The Ritual Process: Structure and Anti-Structure* (London, 2008 [1969]), 94-130.

²⁷ G. Koziol, *Begging Pardon*, 289-91; G. Koziol, 'England, France and the Problem of Sacrality in Twelfth-Century Ritual', in T.N. Bisson (ed.), *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe* (Philadelphia, 1995), 124-48.

²⁸ Buc, *Dangers of Ritual*, 5-7, 161-2.

analysed by medievalists, since they draw from the language of several (as will be argued, from coronation, anointing and supplication). Both, though, contain patterns of actions and words whose repetition cannot be explained by practical efficacy alone. They also constituted a 'break from the "ongoing" structures of everyday life'.

In broad terms, they can be characterised as a rite of passage, of the sort described by Arnold van Gennep and made famous by Victor Turner. These are 'rites which accompany every change of place, state, social position and age' and are characterised by three phases: 'separation, margin (or *limen*...), and aggregation.'²⁹ The essential feature of this sort of ritual (and perhaps others) is that they are transformative; somehow the process of the ritual effects an important change in the subject that invests him with 'rights and obligations vis-à-vis others of a clearly defined and "structural" type; he is expected to behave in accordance with certain customary norms and ethical standards binding on incumbents of social position in a system of such positions.'³⁰ The events discussed in this chapter belong to, or might be identified with, a particular genus of the ritual family – the inauguration. The English medieval inauguration ritual – the coronation accompanied by anointing – transformed essentially an 'ordinary' man with only the rights and responsibilities shared by many others of his status group into a king, elevated above his people and with unique powers over them and obligations towards them. The rituals of 1213 and 1234 took an unfit king, who had exceeded his rights and forgotten his responsibilities, and transformed him into a fitting king mindful of his rights and obligations and newly worthy of his elevated status. In common with the coronation, the re-inauguration ritual depended for its success on a felicitous performance that evoked and celebrated the values of medieval kingship, particularly those that bound the king to the community of the realm.

However, as much as these rituals proclaimed their commonality with others performed across space and time, the particular context in which these rituals were enacted (thirteenth-century England, the royal court) as well as their particular subject (the thirteenth-century English king) are important. Whilst studies by Björn Weiler show how 'Symbolic communication' – symbolically charged objects and gestures deployed before an

²⁹ Turner, 'Liminality', 94.

³⁰ Turner, 'Liminality', 95.

audience – were important to thirteenth-century political culture,³¹ the role of ritual has proved problematic. Karl Leyser and Geoffrey Koziol have both argued for the loss of sacrality amongst England's twelfth and thirteenth century monarchs.³² With the rise of bureaucratic government, English kings were no longer seen as charismatic, as possessing some special channel to the divine. They clung to the holy through associations with holy men, or else sought to promote a chivalric model of kingship instead. These sorts of arguments tie in to assumptions about the dichotomy between bureaucracy and charisma and explain the sort of intense criticism of the king seen in thirteenth-century parliaments that does not seem to have been a feature of the assemblies of charismatic kings in early medieval Europe.³³ In a world of exchequers and pipe rolls, parliaments and eyres, what place for sacral kingship? Bureaucratic kings would be able to sustain their power through the machinery of government, the reliable, mundane institutions of chancery and exchequer, without recourse to the numinous, transient performances of ritual. This, though, is a view that sits uncomfortably alongside a wealth of evidence suggesting that thirteenth-century kings held royal sacrality and ritual close to their hearts.³⁴ The work of Nicholas Vincent on royal pilgrimages has in fact shown that 'there was ritual in plenty at the Plantagenet court'.³⁵ The king was constantly engaged in public acts of devotion as he travelled across his realm as 'a near-perpetual pilgrim', so that 'the daily round of royal devotions, carried out in many different places across the realm, can be regarded as yet another means, and a significant one, by which the royal itinerary served to impose the king's authority on realm and subjects

³¹ B. Weiler, 'Symbolism and Politics in the Reign of Henry III', *TCE* IX (2003), 15-41; Weiler, *Political Culture*.

³² K. Leyser, 'The Angevin Kings and the Holy Man', in K. Leyser, *Communications and Power in Medieval Europe: The Gregorian Revolution and Beyond*, ed. T. Reuter (London, 1994), 157-75; Koziol, 'Problem of Sacrality'.

³³ T. Reuter, 'Assembly Politics in Western Europe from the Eighth Century to the Twelfth', in his *Medieval Politics and Modern Mentalities*, ed. J.L. Nelson (Cambridge, 2006), 193-216, at 194-5, 203.

³⁴ D. A. Carpenter, 'King Henry III and the Cosmati Work at Westminster Abbey', in his *The Reign of Henry III* (London, 1996), 409-25; D. A. Carpenter, 'King Henry III and Saint Edward the Confessor: The Origins of the Cult', *EHR* 122 (2007), 865-91; D. A. Carpenter, 'King Henry III and the Chapter House of Westminster Abbey', in R. Mortimer (ed.), *Westminster Abbey Chapter House: The History, Art and Architecture of a Chapter House Beyond Compare* (London, 2010), 32-9; E. H. Kantorowicz, *Laudes Regiae: A Study in Liturgical Acclamations and Mediaeval Ruler Worship* (California, 1946), 171-9; N. C. Vincent, *The Holy Blood: King Henry III and the Westminster Blood Relic* (Cambridge, 2001); N. C. Vincent, 'The Pilgrimages of the Angevin Kings of England 1154-1272', in C. Morris and P. Roberts (eds.), *Pilgrimage: The English Experience from Becket to Bunyan*, (Cambridge, 2002), 12-45; N. C. Vincent, 'King Henry III and the Blessed Virgin Mary', *Studies in Church History* 39, ed. R. N. Swanson (Woodbridge, 2004), 126-46; N. C. Vincent, 'Twelfth and Thirteenth-Century Kingship: An Essay in Anglo-French Misunderstanding', in J-P Genet and F-J Ruggiu (eds.), *Les Idées passent-elles la Manche: savoirs, représentations, pratiques* (Paris, 2007), 21-36.

³⁵ Vincent, 'Pilgrimages', 43.

alike.’ Whilst, in a post-Gregorian world, no king could claim priestly status, ‘there is a point at which royal piety and religious ritual come close to a convergence with the sacred. The Plantagenets – anointed with chrism, ruling by the grace of God, and buttressed by their devotions to their own particular saints... – may well have been considered to have dwelt somewhat closer to the frontier with the sacred than English historians have been inclined to suppose.’³⁶ These sorts of royal actions were not adrift in a vast sea of bureaucratic government, for the written machinery of the state was as much a part of charismatic kingship as ritual. The chancery and exchequer were mediums through which royal charisma could be made routine, could be ‘made replicable through logical ordering and definition.’³⁷ In the thirteenth century, as Magna Carta came to ‘routinize the charisma of the “community of the realm”’, issued and reissued several times and published in the counties, the self-consciousness of the political community arguably came to interact with ideas of sacral kingship. Stephen Langton’s ideas on the importance of the community of the realm in relation to royal power, as will be argued below, were important in this process. The role Langton established for the English bishops as the enforcers of the Charters through sentence of excommunication, and the activities of the bishops in publishing these sentences, place the prelates at the heart of these developments. The rituals described in this chapter show the importance of the sacred, the oath and anointing, in the construction and reconstruction of royal power and the integral role of ritual at the heart of the political community in shaping the relationship between king and kingdom. Importantly, they also reveal the essential role of the English bishops in constructing and sustaining that relationship.

What approach should be taken, then, to analysing these rituals? That adopted in this chapter is slightly different from the one promoted by certain influential scholars of early medieval ritual and political culture such as Gerd Althoff and Timothy Reuter, which focused on an analysis of symbols.³⁸ Reuter, for instance, set out to read the ‘meta-language’ of

³⁶ Vincent, ‘Pilgrimages’, 43.

³⁷ M. T. Clanchy, ‘Does Writing Construct the State?’, *Journal of Historical Sociology* 15 (2002), 68-70, at 68.

³⁸ Timothy Reuter was not much concerned with discrete ritual moments but explored instead how ‘the “normal” run of medieval politics... was equally freighted with symbolism and ritual.’ T. Reuter *Velle sibi fieri in forma hac: Symbolic Acts in the Becket Dispute*, in his *Medieval Politics*, 167-90, at 169. In the new field of Symbolic communication, rituals per se became ‘confined to ‘Symbolic’ sentences and paragraphs in which what counts is a precise ‘text.’ According to Reuter, the term ‘ritual’, in this view, ought only to be applied if the action fulfilled is specific to a particular place and time: ‘For instance, subordination can be expressed in ‘Symbolic’ in various ways; but it is only possible to talk about a ‘subordination ritual’ if in a particular society and at a particular time subordination can be expressed

'Symbolic',³⁹ which consists 'of elements of natural language (written and spoken), of visual representations, of guidelines for staging in the form of 'scripts' or 'scenarios' for scenes and action-sequences, and finally 'props', that is, symbolically charged objects and places.'⁴⁰ Whilst this approach might have some value in the analysis of discrete gestures, it has less value in the reading of rituals – performative activities, events that have the power not just to communicate a message but to effect change. Whether or not the heart of ritual power can be discovered primarily through a decoding of the symbols they contain is open to question. Since the 1970s, ethnographers have moved away from a symbol-centred approach to ritual. The observation of a symbol is not enough, it has been argued, to discover how the ritual was effected 'as if the participants somehow undergo the ritual transformations automatically as they are exposed to the symbolic meanings and that an understanding of how symbols are effective is simply a matter of understanding the logic of thought that underlies them.'⁴¹

Moreover, the symbols used in ritual can often be ambiguous or, rather, open to multiple readings by the participants. Far from undermining the efficacy of the ritual, though, this ambiguity can be exploited as a source of ritual power. This has become clear since ethnographers, from the 1970s onwards, began to analyse the 'performance' of ritual.⁴² This shift in emphasis has relocated the source of ritual power and efficacy in the interaction between the participants of the ritual and between the participants and their audience: 'what renders the performance compelling is not primarily the meanings embodied in symbolic materials themselves... but the *way* the symbolic material emerges in the interaction.'⁴³ The leader of the ritual must engage the participants and audience both cognitively and emotionally, drawing them into the performance. Ambiguities in ritual symbols are exploited by the performers, as members of the audience, in order to make sense of what is going on,

only via a specific symbolic sentence – for instance, by taking off your shoes, putting on sackcloth and ashes, and throwing yourself at the feet of ruler or opponent.' (Reuter, 'Symbolic Acts', 169-70). The meaning of this definition is not entirely clear to me, since whilst it is quite true that 'rituals' are culturally specific forms of symbolic behaviour, it seems strange to argue that an event can only be classified as ritual if it is the 'only' form available to the actors. This would deny the actors any capacity for creativity in the use of ritual language (an important component of the events described in this chapter) and would also exclude the possibility that the meaning of many ritual symbols could be ambiguous and open to multiple readings.

³⁹ 'Symbolic' is used to name the language spoken by medieval actors (as in, 'the English language').

⁴⁰ Reuter, 'Symbolic Acts', 169.

⁴¹ Schieffelin, 'Performance', 708.

⁴² Beeman, 'Anthropology of Theatre', 370.

⁴³ Schieffelin, 'Performance', 721.

have to fill in the gaps themselves. In this way, it is the performers and audience who 'complete the construction of [the ritual's] reality.'⁴⁴

The result of this interactive process is that the ritual might 'mean' slightly different things to different people, since each is able to interpret the ritual symbols differently. The ambiguity of ritual symbols might not necessarily be extensive. Symbols (like words and gestures) can only work as the basis of interaction between people if they draw from a common frame of reference and their potential meanings are reasonably limited.⁴⁵ However, where differing interpretations of symbols or emphasis in their meaning are possible, these can be exploited by the ritual's actors to engage participants and audience, since each participant or observer can understand the ritual in a way that is acceptable to him. It is this engagement that helps to ensure the ritual's efficacy. The leader of the ritual must evoke and sustain a suitable atmosphere (for instance one of solemnity, tension, jubilation or grief) and ensure its intensity. The success of the ritual derives from the shared participation in the ritual's 'action and intensity no matter what each person may individually think about it.'⁴⁶ In this respect, the rituals of 1213 and 1234 were remarkably successful.

Rituals of Peace

The rituals of remaking the king discussed in this chapter drew from the language of coronation but differed in an important respect: their context. Whereas coronations represented the zenith of kingship, the remaking of the king took place at the nadir of royal rule, periods of civil unrest or war between the king and his barons when his rule was at its least stable.⁴⁷ To over-simplify their purpose, these rituals were a means of dispute settlement that served to resolve conflict between the king and the wider community of the kingdom. Yet to see them as functional events that aimed simply to restore the *status quo ante* would be to underestimate the complex process of which they were a part. A great deal of

⁴⁴ Schieffelin, 'Performance', 721.

⁴⁵ R. J. Evans, *In Defence of History* (2nd ed., London, 2000), 103-06, 112-13.

⁴⁶ Schieffelin, 'Performance', 722.

⁴⁷ This might similarly be the case with 'second coronations' or crown-wearings deployed to restore royal honour. For instance, the 'second coronation' of King Stephen on Christmas Day at Canterbury in 1141, following his release from captivity, when the coronation ceremony was re-enacted minus the anointing of the king. Similarly, Richard I's 'second coronation' or crown-wearing following his release from captivity that, as Edmund King argues, might have been modelled on that of King Stephen: E. King, *King Stephen* (Yale, 2010), 176-77; J. Gillingham, *Richard I* (Yale, 1999), 271-2.

focus in medieval history has been placed on conflict and violence,⁴⁸ a focus common to other areas of historical research as well as ethnographic study. This might be partly explained by the appeal of a dramatic subject but also, in more serious terms, by the 'intransigent notion of innate human aggressiveness that has deep roots, not just in Hobbesian social theory but in the Western Judeo-Christian tradition.' The result is that with 'violence cast as innate, peace can only be defined negatively as the absence of conflict or the curbing or controlling of violence'.⁴⁹ Within medieval scholarship, this has meant that even when historians have turned determinedly to the study of peacemaking, eirenic acts are depicted as 'amicable conflict resolution' which took place 'before – and more important, after – armed conflicts'.⁵⁰ In this way, acts of peacemaking are shown merely to be sporadic, reactionary events punctuating a narrative of conflict.

Unsatisfied with this understanding of peace and peacemaking, which fails to account for the co-operation and co-existence found even in communities made up of different interest groups, some ethnographers have turned to thinking of a more positive definition of peace, defining it instead 'as a cultural process' in and of itself.⁵¹ In viewing peace as a positive phenomenon, as opposed to merely 'freedom from' or 'absence of' conflict, they have come to recognise that in societies both with and without states 'peacemaking is not a sporadic intersocietal event, it is a continuous process going on within society itself'.⁵² In fact, it is 'a relentless creative process'.⁵³ For instance, the ethnographic analysis of Laura Ring has shown how, through the constant, willful and sometimes burdensome participation in exchanges and attention to neighbourly duties and obligations, conducted in a manner which demonstrates commitment to one's community, a state of peace is constantly created and recreated, so that 'the "everyday life" we posit as the site of the nonextraordinary, the *not* riot, can be reconceptualized in more positive terms as enabling something we may choose to call peace.'⁵⁴

⁴⁸ G. Althoff, 'Satisfaction: Peculiarities of the Amicable Settlement of Conflicts in the Middle Ages', in B. Jussen (ed.), *Ordering Medieval Society: Perspectives on Intellectual and Practical Modes of Shaping Social Relations* (Philadelphia, 2001), 270-84, at 270-71.

⁴⁹ Ring, *Zenana*, 63.

⁵⁰ Althoff, 'Satisfaction', 271.

⁵¹ Ring, *Zenana*, 63-6.

⁵² M.D. Sahlins, *Stone Age Economics* (Chicago, 1972), 27, quoted by Ring, *Zenana*, 65.

⁵³ Ring, *Zenana*, 65.

⁵⁴ Ring, *Zenana*, 66.

To view the rituals of 1213 and 1234 in this perspective requires, at this point, something of the eye of faith. The concentration of the secondary literature on aspects of conflict means that no broader framework of thinking about creative, ongoing peacemaking exists into which these events might be fitted. Whilst the nature of chronicle sources and their survival might mean that much of this activity is obscured, further research (particularly on gift-giving in the royal, noble and episcopal milieu) from an eirenic perspective might be productive. So, too, might be a reconstruction of the principles and practicalities of peacemaking from an episcopal point of view. For instance, as Nicholas Vincent has suggested, Langton's approach to peacemaking might well have been informed by his biblical exegesis that 'with its reconciliation of apparently contradictory passages in Scripture, and its drawing of connections between one scriptural passage and another, supplied an almost ideal model of how compromise could be achieved between opposing political interests'.⁵⁵ That ideals of Scripture as well as the practice of its study influenced Edmund of Abingdon is suggested by the description of the archbishop's appeal to the king on behalf of Gilbert Basset provided by Matthew Paris:

'beseeching him that a brother should by no means expiate a brother's offence nor should the guilt of the offender rebound upon the innocent, fortifying his arguments with theological authorities, in which he abounded, he persuasively begged him not only to put away all his anger, but even to extend his favour to the limit and grant him his inheritance along with the dignity of the office.'⁵⁶

An understanding of such processes would place the rituals of 1213 and 1234 within a richer context that we can, for the time being, only imagine. Viewed in this perspective, with the actors allowed creative agency, such events are no mere 'mechanisms' of 'conflict resolution' employed sporadically when tension threatens to spill over but, rather, the symbolic zenith of an eirenic creativity constantly at work. As such, the form and performance of these rituals actually have the potential to reveal more of the norms and values of their culture than if they were viewed as a formulaic mechanism of 'resolution'.

The role of bishops as peacemakers.

The leading role taken by the bishops in this 'relentless creative process'⁵⁷ was founded on the nexus of social and occupational rights, loyalties, obligations and responsibilities that characterised their central position in the community of court and kingdom. An important

⁵⁵ Vincent, 'Stephen Langton', 96.

⁵⁶ *The Life of St Edmund by Matthew Paris*, ed. and trans. C. H. Lawrence (Oxford, 1996), 132-3.

⁵⁷ Ring, *Zenana*, 65.

component was the traditional responsibility taken by the episcopate in enforcing restrictions on royal action. This had developed from a pre-Conquest tradition that invested bishops with the right, or duty, to reprimand the king for moral transgressions into a more extensive expectation of episcopal oversight of the exercise of royal power.⁵⁸ Langton's influence on English episcopal culture in this respect was instrumental. It was the development of ideas among the theologians of Paris towards the end of the twelfth century that had made this extension of interest possible. A prominent circle of exegetes, led by Peter the Chanter (d. 1197), emphasised how the sinful nature of kingship was evident in its Old Testament origins and argued for the right of subjects to reprimand kings when they transgressed.⁵⁹ Langton was central to this movement, as a follower of Peter the Chanter and a leading scholar at Paris before he became archbishop of Canterbury in 1206. Langton's biblical exegesis, as David d'Avray has shown, 'betrays a cast of mind which would be receptive to Magna Carta'. In his commentary on Deuteronomy 17, Langton argued forcefully that it was the duty of kings to keep 'a book where the law is contained in summary form'. Langton explained that, if a king did not have such a volume, it was the duty of priests to provide him with an exemplar.⁶⁰ In this way he invested the clergy with the authority to enforce expectations of lawful kingship. Langton was not the first scholar to discuss this idea. John of Salisbury, for instance, had argued a similar line in his *Policraticus*.⁶¹ Crucially, though, in 1225 Langton was able to put his scholarly thinking into practice when, as archbishop of Canterbury, he played an important role in the issue of the definitive version of Magna Carta. Langton's enforcement of the Charter by sentence of excommunication in 1225 provided the authoritative model for the role of future English bishops in ensuring just government and henceforward 'a tradition of support by English bishops for an ideal of limited monarchy became established.'⁶²

Moreover, whilst Langton provided theological justifications for the role of bishops in limiting royal action, the growing dominance of a model of virtuous episcopal behaviour drawn from the life of Thomas Becket provided greater moral authority to bishops who felt it necessary to resist royal policy directly. The influence of Becket's example on expectations of

⁵⁸ Weiler, *Political Culture*, 160-61.

⁵⁹ Specifically in the Israelite's demand to be given a king, by which they rejected God's direct rule (I Samuel: 8); P. Buc, '*Principes gentium dominantur eorum*: Princely Power between Legitimacy and Illegitimacy in Twelfth-Century Exegesis', in Bisson, *Cultures of Power*, 310-28, at 321-2, 325.

⁶⁰ d'Avray, 'Magna Carta', 427-28.

⁶¹ Clanchy, *Memory to Written Record*, 272.

⁶² d'Avray, 'Magna Carta', 433.

episcopal behaviour can be seen in the canonisation of six English bishops in the thirteenth century whose canonisation proceedings, as André Vauchez has revealed, all display a strong identification with the Becket model. Although none of these bishops were actually murdered, all were presented as having emulated Becket by resisting arbitrary royal actions and suffering exile or persecution as a result.⁶³ Whilst Becket had been concerned with protecting the interests of the Church, arguably the general example he provided in confronting the king came to be applied more widely. This cross-fertilisation of causes came about particularly through the agency of Langton, whose 'self-identification' with Becket is palpable.⁶⁴ It was central to the archbishop's 'deliberate manipulation of the Becket legend' as a tool for self-promotion during the struggles with King John that followed his consecration,⁶⁵ while Langton's attachment to Becket's cult, his translation of his saintly predecessor and accompanying sermons to the English clergy must have gone far in binding the identity of Becket with the new archiepiscopal agenda brought by the politics of the thirteenth century.⁶⁶ Whilst Becket was associated with the defence of ecclesiastical liberties, Langton channelled the potency of Becket's sanctity into his defence of good government. This was arguably one of his greatest achievements.

Episcopal oversight of government, however, was less of a linear tradition than one element in the rich and complex compound that was English episcopal culture. Far from casting the bishops as antagonists, the obligation to oversee government mingled with a keen sense of responsibility for preserving the equilibrium of the fractious court community of which the bishops were an integral part. The picture of the relationship between chastising bishops and erring kings developed here is thus based on a very different understanding of the episcopal place in the political community than that developed by Karl Leyser. For Leyser, the authority of Hugh of Lincoln (bishop of Lincoln 1186-1200) to correct royal misdemeanours was based on the bishop's special, holy status. This status was 'achieved... by incessant ascetic labours... [that] severed him from the surrounding world and... enabled him

⁶³ Vauchez, *Sainthood*, 167-70. The six bishops were, with date of canonization, Wulfstan of Worcester (1202), Hugh of Lincoln (1219), William of York (1223), Lawrence O'Toole of Dublin (1226), Edmund of Canterbury (1246) and Richard of Chichester (1256).

⁶⁴ Vincent, 'Stephen Langton', 67-73, especially 70.

⁶⁵ Vincent, 'Stephen Langton', 68-70, 81-8.

⁶⁶ A. J. Duggan 'The Cult of St Thomas Becket in the Thirteenth Century' in M. Jancey (ed.), *St Thomas Cantilupe, Bishop of Hereford: Essays in his Honour* (Hereford 1982), 21-44, at 36-41; P.B. Roberts, *Thomas Becket in the Medieval Latin Preaching Tradition: an inventory of sermons about St. Thomas Becket c.1170-c.1400*, *Instrumenta Patristica* 25 (The Hague, 1992), 13-15, 21-24, 178-9.

to be the objective mediator.⁶⁷ Whilst Edmund of Abingdon might well have distinguished himself through his asceticism since his university days,⁶⁸ his habits and those of Hugh were remarkable because they were unusual. Authoritative oversight of royal policy was not the preserve of the saintly few. It cannot be said of Langton that he was known for his ascetic labours or that he was perceived as any sort of 'holy man', as bishop Hugh had been. Yet arguably, primarily through Langton's agency, oversight of royal government and the duty to make and maintain peace became almost institutionalised in the episcopal office. The episcopal authority and responsibility to act as mediators came not from the fact that the bishops' perspective was objective but, on the contrary, that it was subjective. They were not outside the political world but at its heart. The bishops were the centre of a web of social and spiritual loyalties that pervaded the upper reaches of society, as well as the protectors of the '*minores*' who would lose most by the disruption of peace.⁶⁹ As such, they were qualified and incentivised to act as 'hinge-persons' in the settlement of disputes. The description of 'hinge-persons' first described by Max Gluckman, is summarised by Paul Hyams:

'The greater the number of socially influential groups to which an individual belongs, the more likely he is to share valued links with people on opposite sides of any conflict. The "crosscutting" serves to cast some as "hinge persons" with the special opportunity or discomfiting obligation to mediate between the adversaries. To put the matter starkly, each side may feel that such persons owe them participation in their support group. Thus, should matters come to blows, their position might require a desperately uncomfortable decision to plump for one side and reject ties to the other. Far better, then, to accept the lesser evil and strive to extricate oneself by brokering a reconciliation deal.'⁷⁰

Far from forcing bishops to choose sides at moments of imminent conflict, the duty to oversee the exercise of royal power invigorated their position as mediators by encouraging the particular form of intervention discussed in this chapter, which involved the questioning of royal policy. Whilst accounts of Langton's political activities by Powicke, David Carpenter and Nicholas Vincent have recognised the importance he placed on peacemaking,⁷¹ the

⁶⁷ Leyser, 'Angevin Kings', 159.

⁶⁸ *Life of St Edmund*, 20, 42, 119, 122, 139.

⁶⁹ Matthew Paris, for instance, writes of Edmund's concern on this front: 'He tried in a friendly way to get dissidents to make peace, anxiously having in mind that hatred and strife among magnates imperil subordinates' (*Life of St Edmund*, 132).

⁷⁰ P. R. Hyams, *Rancor and Reconciliation in Medieval England* (Ithaca, NY, 2003), 15-16; Gluckman, 'Peace in the Feud'.

⁷¹ Powicke, *Stephen Langton*, 111, 124-5, 128, 132; D.A. Carpenter, *The Minority of Henry III* (London, 1990), 271, 319, 321, 324, 349-52; D. A. Carpenter, 'The Fall of Hubert de Burgh' in his *Reign of Henry III*, 45-60, at 47-8; Vincent, 'Stephen Langton', 64, 66, 92, 96.

privileging of certain of his scholarly interests in John Baldwin's discussion has, perhaps, caused the importance of this social responsibility to be lost and encouraged a reading of his actions, particularly in 1213, as part of a revolutionary agenda.⁷² In redrawing Langton's role, however, to that of 'hinge-person', in which his commitments to limited monarchy, sympathy for the baronial grievances, cautious approach to resisting royal power outright⁷³ and sense of obligation to ensure the creation and maintenance of peace are seen as cross-cutting loyalties in the complex web that was Langton's conscience, his exploits at Winchester in 1213 look less like the prelude to the belligerent instigation of revolution and more like the ritualised manifestation of his sense of duty.

Langton's actions in 1213 were an early example of the determination to settle conflict and maintain peace that was to be 'a theme in his career'.⁷⁴ During Henry III's minority, he was time and again to assume the responsibility of mediation in conflict between king and barons, combining impassioned pleas for peaceful negotiation with threats of ecclesiastical censure.⁷⁵ His actions in 1213 and afterwards were a seminal demonstration of the episcopal obligation, both as God's ordained and a leading member of the community of the realm, to preserve the peace of the kingdom. Significantly, in January 1222 Langton responded to rumours of plots to break the peace of the kingdom and the prospect of the justiciar's armed response by summoning a great council. He was moved to act, so one chronicler records, by his pity for the youth and weakness of the king. At the council, acting in concert with his suffragans, he threatened excommunication against those disturbing the peace of the kingdom or going against the king.⁷⁶ Three months later, Langton held a provincial council at Oxford, where he proclaimed his commitment to the episcopal duty of peacemaking and invested this role of peacemaker and, indeed, peace enforcer with legal as well as moral weight by granting the English bishops power to excommunicate breakers of the peace :

⁷² Baldwin, 'Master Stephen Langton', 827-30.

⁷³ Carpenter, 'Archbishop Langton', 1052-3 (to be discussed further in chapter four).

⁷⁴ Carpenter, *Minority of Henry III*, 351.

⁷⁵ Carpenter, *Minority of Henry III*, 271, 319, 321, 324, 349-52, especially 349; Carpenter, 'Hubert de Burgh', 47-8.

⁷⁶ *Memoriale fratris Walteri de Coventria*, ed. W. Stubbs, (2 vols., Rolls ser., 1872-3), ii, 251; Carpenter, *Minority of Henry III*, 271.

'We bind by sentence of excommunication all those who wrongfully presume to perturb the peace and tranquillity of the lord king and kingdom, and those who unjustly strive to obstruct the laws of the lord king.'⁷⁷ In so doing, Langton not only amplified the authority of his successors in the role of peacemaker but instructed them to fulfil it. The Statutes of Oxford 'served as one of the cornerstones of English ecclesiastical law for the remainder of the Middle Ages.'⁷⁸ Langton's inclusion of this clause in his archiepiscopal statutes arguably acted in a similar way to his actions in 1225. Langton's initiative to pronounce sentence of excommunication against infringers of Magna Carta had given power to episcopal oversight of government by providing his successors not only with the means of enforcing the Charter but also the impetus provided by his precedent.⁷⁹ Just as Langton's influence was palpable in episcopal enforcement of subsequent reissue of the Charter in 1237 and 1253,⁸⁰ so too does it resound in the eirenic actions of Edmund of Abingdon and his suffragans in 1234.

The integrity of the episcopal role of peacemaker depended on the careful balancing of positions and maintenance of dual loyalty to the king and community. This, it seems, was something of a badge of office. The embellishments made by Matthew Paris to Roger of Wendover's account of 1234 demonstrates how keen Paris was to emphasise this. Wendover's account describes how grave accusations had been made against the bishops about their 'excessive familiarity' (*'de nimia familiaritate'*) with the earl Marshal and their plan to depose the king (*'ipsum a regni solio depellere nitebantur'*) and how the bishop of Coventry, understanding these accusations, had excommunicated all those contemplating such schemes against the king. Although Wendover provides grounds for Paris's additions, his account does not contain the degree of consternation developed by Paris. The bishop of Coventry, Paris writes, on hearing the accusations, 'irritated by those who suggested to the king that the bishops, favouring the part of the Marshal, wished to make another king, was exceedingly agitated' (*'necnon quosdam qui regi suggesserunt exasperando, episcopos foventes partes Marescalli velle alium regem creare, commotus est vehementer'*)⁸¹ For Wendover, the bishop of Coventry's public pronouncement of sentence of excommunication, with the support of his

⁷⁷ 'Omnes etiam illos excommunicationis sententia innodamus qui pacem et tranquillitatem domini regis et regni iniuriose perturbare presumunt, et qui iura domini regis iniuste detinere contendunt' (C&S, 106-07).

⁷⁸ Vincent, 'Archbishop Langton', 66.

⁷⁹ d'Avray, 'Magna Carta', 432-34.

⁸⁰ d'Avray, 'Magna Carta', 433-34.

⁸¹ CM, III, 268.

fellow bishops, against anybody who was guilty of the crimes of which he and his colleagues had been accused was a way of securing his peace with the king (*'cum rege pacificatus est'*).⁸² For Paris, the pronouncement was a demonstrative act of loyalty; the excommunication was not only directed against those wanting to depose the king but also those who 'wickedly established such thing about the bishops, who were concerned entirely with the safety and honour of the king' (*'super episcopos, qui omnino de salute et honore regis sollicitabantur, malitiose talia imponebant'*). Only when 'the innocence of the bishops was made clear and proved' (*'manifestata episcoporum ac probata innocentia'*) could he be pacified (*'pacificatus est'*) and his spirit quieted (*'quievit spiritus illius'*) – a twist of Wendover's words on Paris's part that turned the 'peace' made between the bishop and the king into the 'peace' that ended the bishop's indignation.⁸³

Paris's interpolations proclaim the integrity of the bishops' 'hinge' status, rejecting any possibility of their 'excessive familiarity' with the barons and demonstrating the maintenance of their loyalty to the king. Paris's additions serve to foreshadow, and so emphasise, the approach made to the king at the same colloquium by Edmund of Abingdon, archbishop elect of Canterbury, and his suffragans. Although they offered critical counsel, the bishops were sure to emphasise that they were the king's faithful men (*'fideles vestri'*) and were obliged to speak out by the faith by which they were bound to him (*'in fide dicimus qua vobis astringimur obligati... Haec autem fideliter vobis dicimus, et coram Deo et hominibus consulimus'*).⁸⁴ Paris reproduces Wendover's account of Edmund's speech almost entirely verbatim. He did not fabricate the importance of this carefully-maintained loyalty; he recognised the importance it played in the culture of Edmund's episcopate and determinedly emphasised it.

The social authority to settle and impose peace, affirmed by Edmund and his suffragans and stressed by Paris, was supported by the legal authority they had inherited from Langton. Edmund and his suffragans warned the king⁸⁵ that unless he would renounce the error quickly and settle peacefully with the faithful men of his kingdom, Edmund would immediately, together with all the prelates who were present, bring sentence of excommunication against the king himself and against all other opponents of the peace and

⁸² Wendover, IV, 295.

⁸³ CM, III, 268.

⁸⁴ CM, III, 269-70.

⁸⁵ Wendover writes that the threat was made *'audaciter'* (Wendover, IV, 299), Paris *'expresse'* (CM, III, 272), perhaps an attempt to make the bishops' move less shocking and more natural.

subvertors of concord.⁸⁶ As well as warning the king of the practical consequences of threatening the peace of the realm, this threat of excommunication was a vocalisation of episcopal authority. It was also the proud declaration that their eirenic duties had been fulfilled in the Langtonian mould.

In this responsibility so keenly felt, Langton bequeathed an episcopal badge of office, the exhibition of which was vital to the bishops' sense of occupational integrity. It resounds in the conduct of Edmund of Abingdon, whose 'tireless activity in restoring peace' throughout the crisis of 1233-34 arguably owed more to his scholarly background and Langton's influence than any awareness of the world of court politics that was 'largely incomprehensible to him'.⁸⁷ Composing his *Life of St Edmund* at some point between 1247 and 1253, Matthew Paris described how, from the time of his consecration, Edmund 'endeavoured to apply himself more earnestly than usual and with greater effectiveness to works of charity, especially those that concerned the kingdom and the magnates. He tried in a friendly way to get dissidents to make peace, anxiously having in mind that hatred and strife among magnates imperil subordinates.'⁸⁸ Paris's characterisation of Edmund, disseminated through his *Life*, was one way by which the image of the episcopal peacemaker could be amplified.⁸⁹ The possible reading of extracts of his chronicle to the magnates and prelates who passed through St Albans was another. Given the popularity of Edmund's cult (and perhaps the added interest aroused by Paris's *Life*), it is not beyond the realms of possibility that passages from the *Chronica Majora* involving Edmund, as well as the *Life*, would have been favourites among visitors. This model of episcopal behaviour – the attempt to reform the king through a representation of baronial grievances, made as an act of fidelity out of affection for king and kingdom, for the sake of peace between king and barons – now drew its potency not only from Langton's example but the aura of sanctity that came from its connection with Edmund.

⁸⁶ *CM*, III, 272.

⁸⁷ *Life of St Edmund*, 50-56.

⁸⁸ *Life of St Edmund*, 132.

⁸⁹ Matthew Paris drew notice to his *Life of St Edmund* both in his *Chronica Majora* and *Historia Anglorum* and advised anyone who wished to read it that they could find it at St Albans (*Life of St Edmund*, 115), an offer that might well have been taken up by the 'constant stream of visitors' to the abbey (*Life of St Edmund*, 102).

The re-inauguration ritual

Neither the incident of 1213 nor that of 1234 has attracted attention as a 'ritual', yet their qualification for such analysis is clear. Both involved the transformation of the subject from one state to another (the unfit king to the pious king fit for office), effected through a staged public performance shot through with symbolic meaning. Although both events have the whiff of the traditional submissions involved in dispute settlement (that of 1213 more obviously so) they share the language of a different genus, that of inauguration rituals. Although clearly these were not actual coronations, both episodes share a strong structural affinity with this quintessential rite of passage. This is not so surprising given that their purpose was essentially the same: to transform someone who was not fit to be king into someone who was. This categorisation explains why Langton and Edmund chose the particular form of ritual to effect their intervention and make peace.

The events of 1213 and 1234 emulated a widely known ritual type. As such, elements of their structure, symbolism and performance can be identified not only in the familial rite of medieval coronation but foreign rites that, although far away in time and place, are worth exploring in hermeneutical terms. In particular, this will help to demonstrate the function of certain elements of the ritual, particularly the criticism offered to the king before his status could be renewed. This appears as a prominent feature of an ethnographic description of an installation rite of the Ndembu by Victor Turner. The installation rite of the chief, the Kanongesha, was performed by Kafwana, the headman of a people that had long ago made submission to the Ndembu, who was vested with the right to confer 'the supreme symbol of chiefly status', the lukanu bracelet. After being led to the location where the installation rite was to take place and posed 'in a posture of shame or modesty', Kafwana began the rite which Turner names 'The Reviling of the Chief-Elect'. Kafwana ordered the would-be chief silent and began to chastise him for his 'selfishness, meanness, theft, anger... and greed.' These were 'vices [that] represent the desire to possess for oneself what ought to be shared for the common good'. The 'Reviling' recognised that rulers might be tempted to use the privileges of their office to satisfy their private will and reminded the would-be ruler that 'he should regard his privileges as gifts of the whole community'. It was the community from which he drew his authority and 'which in the final issue has an overright over all his actions'.⁹⁰ It was the authority of the community that the would-be ruler was made to recognise in the ritual when

⁹⁰ Turner, 'Liminality', 98-104.

he accepted the chastisement presented by Kafwana, the representative of the community, during the 'Reviling' when he sat 'silently with downcast head, "the pattern of all patience" and humility'. The would-be ruler's quiet submission to Kafwana demonstrated that he was 'a blank slate, on which is inscribed the knowledge and wisdom of the group.'⁹¹

Mutatis mutandis, the essential similarities between the Ndembu rite and the events in 1213 and 1234 are clear. The rite in general and 'Reviling' in particular is conducted by a figure who holds a traditional and special status in the form of the right to convey the symbols of office (the lukana bracelet in the case of Kafwana, the coronation regalia in the case of the archbishop of Canterbury). The would-be ruler, or unfit-ruler, is chastised and berated for offences privileging his private will over the common good. The would-be ruler, or unfit-ruler, demonstrates his humility and submission to the authority of the instructor who acts on behalf of the community. Finally, the subject emerges from the liminal phase transformed into the chief, or else pious, worthy king ready to rule for the good of the kingdom. The purpose of a classic inauguration was to make a king; the purpose of the Langtonian ritual was to re-make one. The king's 'selfish' and unworthy behaviour had rendered him unfit to rule and provoked the anger of his subjects, who threatened to reject him as their ruler. By re-making the king symbolically, Langton and Edmund could purge the stains that had sullied his rule and restore him to full communion with his people.

What this comparison shows, moreover, is how the chastisement of the king by Langton, and then Edmund, was essentially constructive. Unlike the Ndembu installation rite, the English coronation did not include any 'Reviling' of the would-be king but there were other precedents from which Langton could draw. The Old Testament prophets, Samuel, Nathan, Ahijah and Elijah in the Books of Kings had all chastised their respective kings when they transgressed.⁹² English bishops of the past, like Anselm or Becket, might well have been inspired by these figures when offering criticism to their kings, so in one sense Langton and Edmund were also referencing the actions of their archiepiscopal predecessors when they criticised John and Henry here in 1213 and 1234. However, Langton and Edmund did not chastise the king simply because it was part of the episcopal job description, or because they

⁹¹ Turner, 'Liminality', 103; also see: V. W. Turner, 'Humility and Hierarchy: the Liminality of Status Elevation and Reversal', in his *Ritual Process*, 166-203, at 170-72.

⁹² I Samuel 13: 11-14; I Samuel 15: 17-19, 22-23; I Samuel 28: 16-19; II Samuel 12: 1-10; I Kings 14: 7-9; I Kings 18: 18; I Kings 21: 19-20.

were continuing a linear 'tradition'. Their actions were focused on a particular end, the re-making of the king. Importantly, their criticism was not intended to undermine or weaken royal power but rather to rebuild it on proper foundations. It was a necessary part of what was, essentially, a re-inauguration ritual that was intended to help elevate the king from an unfit, self-serving ruler to a pious, worthy king, ultimately for the sake of the kingdom's peace.

The archbishop of Canterbury was uniquely qualified to act in this role, not only because he drew inspiration from the Old Testament prophets, nor because as hinge-person and community leader par excellence he was a leading peacemaker, but because of the traditional role of English bishops in making the king through anointing at the coronation. Langton's choice to speak in this particular ritual language therefore augmented his authority exponentially by allowing him to draw on vast funds of symbolic capital. The role of bishops in royal inauguration rites was long established, its roots lying in Old Testament descriptions of priests' anointing of the kings of Israel.⁹³ In practice the episcopal part in the rite had been substantial since at least the mid-tenth century in much of western-Europe, when the clerical elite 'liturgified' the ritual with the anointing of the subject and, over time, the development of the coronation *Ordo*.⁹⁴ In England, the right to perform the coronation came to be jealously fought over by the archbishops of York and Canterbury, the point being felt so keenly that during the reign of Henry I the archbishop of Canterbury had no problem disrupting royal ceremonies in order to make the point of his own archiepiscopal monopoly.⁹⁵ By the thirteenth century, the right to perform the coronation lay unambiguously with the archbishop of Canterbury. The lack of traditional form at Henry III's coronation in 1216, when he was crowned by the papal legate, was necessitated by the absence of Stephen Langton at the papal court and the urgency of the military situation.⁹⁶ Although it had at least been a visibly episcopal affair, including at least seven bishops,⁹⁷ a second coronation performed by

⁹³ I Samuel 10: 1; I Samuel 16: 13; I Kings 1: 39; I Kings 19: 15-16; II Kings 9: 6; J. L. Nelson, 'The Lord's Anointed and the People's Choice: Carolingian Royal Ritual', in her *The Frankish World, 750-900* (London, 1996), 99-132, at 108.

⁹⁴ J.L. Nelson, 'Inauguration Rituals', in her *Politics and Ritual in Early Medieval Europe* (London, 1986), 283- 307, at 287.

⁹⁵ Koziol, 'Problem of Sacrality', 138.

⁹⁶ The author of the *History of William Marshal* has the papal legate crown the king, whilst Roger of Wendover claims that the bishop of Winchester placed the crown on his head and anointed him (*History of William Marshal*, ed. A.J. Holden, Vol. II (Anglo-Norman Text Soc., 2004), ll. 15329-15330; *Wendover*, IV, 2); Carpenter, *Minority of Henry III*, 20 n. 6.

⁹⁷ Carpenter, *Minority of Henry III*, 19.

the archbishop of Canterbury himself was thought necessary to 'enhance the king's prestige', increase his authority and satisfy the archbishop.⁹⁸

By situating his actions within this symbolic framework in 1213, Langton demonstrated that he was not merely qualified to act as a 'go-between', mediating a settlement between the two parties, but was uniquely qualified to effect a fundamental change in the behaviour of the king himself: it was the archbishop of Canterbury who had made the king, it would be him who would remake him. In this respect, Langton's actions spoke fluently of his liturgical authority. The royal anointing from its beginnings was associated with baptism, intended 'to "make a new man" of the unworthy candidate, and to qualify him for the burdensome tasks inseparable from the dignity conferred.'⁹⁹ The anointing, though, from the early middle ages had also imbued the consecrator with the right to correct the anointed.¹⁰⁰ This paralleled the relationship between a bishop and his consecrator.¹⁰¹ It also spoke of the responsibilities of Samuel in the first Book of Kings. Samuel's right to reprimand Saul did not derive solely from his role as Saul's consecrator but more broadly from the general authority over kingship with which God had invested him from the beginning.¹⁰² Both the right to anoint kings and correct them on behalf of God were bound up in his person. The rights and responsibilities of the office of the archbishop of Canterbury were thus rooted in the deepest of Christian traditions, a potent charisma from which individual archbishops like Langton were able to draw in 'remaking' the king.¹⁰³ The charisma of the archiepiscopal office was in fact essential to the success of remaking the king, as demonstrated by events of 1234. Edmund had led the episcopal approach to the king at the Candelmas parliament whilst still archbishop-elect. The bishops threatened the king and his counsellors with ecclesiastical censure yet admitted that they felt unable to act, immediately qualifying the threat with the statement that they were 'awaiting nothing except the consecration of our venerable father the elect of Canterbury' (*'nihil nisi consecrationem venerabilis patris nostri electi Cantuariensis expectantes'*).¹⁰⁴ The lack of this essential immediately caused the ritual to stall, with Henry,

⁹⁸ Carpenter, *Minority of Henry III*, 162, 188-89. Langton role in Henry's second coronation is recorded in the Annals of Dunstable (*Dunstable*, 57).

⁹⁹ Nelson, 'National Synods', at 52.

¹⁰⁰ Nelson, 'National Synods', 54-5.

¹⁰¹ Nelson, 'National Synods', 54.

¹⁰² I Samuel 8; I Samuel 9: 15-16; I Samuel 13: 11-14; I Samuel 15: 1, 10-31; I Samuel 28: 16-19.

¹⁰³ For office charisma, see D. L. d'Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge, 2010), 148.

¹⁰⁴ *CM*, III, 271.

though responding ‘humbly’ (*humiliter*) to their admonitions, postponing his response to the bishops’ speech by claiming that he could not take any action against his counsellors till they had rendered their accounts of the treasury.¹⁰⁵ Edmund was consecrated at Canterbury on the Sunday of Laetare Jerusalem, 2 April, ‘in the presence of King Henry, thirteen bishops and a great multitude of magnates.’¹⁰⁶ Seven days later he was able to re-enact the same ritual at Westminster. There, he once again approached the king together with his suffragans offering his counsel and that of the bishops and repeated the speech he had delivered at Candelmas. This time, though, the ritual was effective; Henry was immediately transformed into the pious king, humbly absorbing their counsel and acting upon it.¹⁰⁷

It was the role of the archbishop of Canterbury to lead the coronation rite but also the duty of his suffragans to assist him. This is shown in the description of Richard I’s coronation given by Roger of Howden. Although it was Baldwin, archbishop of Canterbury, who was allotted the central place as the one who anointed and crowned the king, he was assisted in the office by sixteen others, archbishops and bishops.¹⁰⁸ That the felicitous performance of the ‘remaking’ ritual should require a similar show of episcopal unity in echo of the coronation is shown in 1213. Stephen Langton led the rite but is described as acting in concert with the bishops of London, Ely, Lincoln and Hereford. The repatriated bishops appear to be participating in an emphatic visual imitation of their role in the coronation, lifting the king from the ground and leading him ‘from the right and from the left to the doorway of the cathedral church.’¹⁰⁹ The account of Richard I’s coronation similarly describes the English bishops leading Richard from his chamber to the church of Westminster for the rite; the bishop of Durham and the bishop of Bath conduct the crown in the procession from the right and from the left while, after Richard’s crowning by the archbishop, the same bishops led him from the right and left to his throne.¹¹⁰ Although the 1234 episode lacks such specific

¹⁰⁵ *CM*, III, 271.

¹⁰⁶ *Life of St Edmund*, 131; *CM*, III, 272.

¹⁰⁷ *CM*, III, 272.

¹⁰⁸ *GRHS*, II, 79. See also the description of Henry III’s coronation in 1216 given in the *History of William Marshal*: ‘Gualo sang the mass / and crowned him, the papal legate, / in the company of bishops present, / who willingly performed their task’ (*History of William Marshal*, ll. 15329-15332. Roger of Wendover has the legate leading Henry in solemn procession to the church ‘*associatis sibi episcopis et comitibus*’ but has the bishop of Winchester crowning the king (*Wendover*, IV, 2).

¹⁰⁹ *CM*, II 550.

¹¹⁰ *GRHS*, II, 81-3. The author of the *History of William Marshal* gives a more prominent role to lay noblemen than to the bishops in this respect in Henry III’s 1216 coronation, perhaps emphasising unity amongst the Marshal’s royal party (*History of William Marshal*, ll. 15325-15326, 15337-15346).

similitude, it was still set round with the deliberate display of episcopal unity, the visual impact of which on observers was strong. At the Candelmas parliament Edmund, elect of Canterbury, is said to have acted 'with many suffragan bishops' ('*cum multis episcopis suffraganeis*'),¹¹¹ while, in the renewed efforts that followed his enthronement, he is described as approaching the king 'with the bishops and other prelates who were present' ('*conjunctis sibi episcopis ac caeteris qui aderant prelatis*').¹¹² Together, they were said to speak 'as if with one heart, soul and mouth' ('*quasi uno corde, animo, et ore*').¹¹³

As in the coronation, the archbishop and bishops officiating in the 1213 and 1234 rituals assumed roles as representatives of the wider community. From the beginning of episcopal involvement in royal inauguration ritual, the bishops had not only acted on their own behalf or that of the Church but 'as guarantors of the law and justice of all the king's subjects, as guardians of the christian people and thus as representatives, in some sense, of the realm as a whole.'¹¹⁴ Langton himself explained this situation in his *quaestiones* when addressing the question of the two swords:

'if the word *church* is taken broadly for the congregation of the faithful (*congregatione fidelium*), the proposition [that both swords belong to the church] is true because the prince of the world accepts his sword from the church and because the faithful thus ordain that the king presides over the people for their government. If the *church* is narrowly taken for prelate, then the proposition is false. He [the king] receives it from no prelate, Roman bishop or any other. The material sword, however, is handed down by the church, that is by the prelate of the church, by the authority of the church not understood narrowly but broadly. Just as the clergy elect a bishop, so all the faithful of the kingdom, both clerics and laity, place the emperor at their head who defends the uncontaminated laws of the laity and the peace of the church. But because the primate or the metropolitan is the most dignified person in the kingdom, it is established that he himself with the authority conceded to him performs this in the name of all the faithful of the kingdom.'¹¹⁵

This representative role of the archbishop on behalf of 'all the faithful of the kingdom' in the coronation was continued in the ritual of remaking the king. The criticism of the unfit king presented by the archbishop echoes Turner's account of the Ndembu rite, in which it was Kefwana's role as representative of the community that underlay the crucial phase of the inauguration ritual, the 'Reviling of the Chief-Elect'. On behalf of the community, Kefwana

¹¹¹ *CM*, III, 268.

¹¹² *CM*, III, 272.

¹¹³ *CM*, III, 269.

¹¹⁴ Nelson, 'Inauguration Rituals', 295.

¹¹⁵ Baldwin, 'Master Stephen Langton', 822.

chastised the would-be ruler for his tendencies to act against the common good. In so doing, Kefwana forced the would-be ruler to dismiss selfish interests, unfitting for a chief, and to act in future only in the interest of his people. The reprimand offered by the archbishop and his suffragans in 1213 and 1234 could be voiced by nobody more fitting than those who historically represented the community at inaugurations. The reprimand itself served the same purpose as the 'Reviling', since the unfit-king in both cases was guilty of just such crimes of self-interest at the expense of the common good and would need to distance himself from any such offences in order to be transformed into the proper king and rejoin the community as its ruler. In 1213, this 'Reviling' took a liturgical form in the fiftieth psalm, which was sung before John's absolution:

Have mercy on me, O God, according to thy great mercy. And according to the multitude of thy mercies blot out my iniquity. Wash me yet more from my iniquity, and cleanse me from my sin. For I know my iniquity, and my sin is always before me. To thee only have I sinned, and have done evil before thee: that thou may be justified in thy words, and may overcome when thou art judged. For behold I was conceived in iniquities; and in sins did my mother conceive me. For behold thou has loved truth: the uncertain and hidden things of thy wisdom thou has made manifest to me. Thou shall sprinkle me with hyssop, and I shall be cleansed: thou shall wash me, and I shall be made whiter than snow. To my hearing thou shall give joy and gladness: and the bones that have been humbled shall rejoice. Turn away thy face from my sins, and blot out all my iniquities. Create a clean heart in me, O God: and renew a right spirit within my bowels. Cast me not away from thy face; and take not thy holy spirit from me. Restore unto me the joy of thy salvation, and strengthen me with a perfect spirit. I will teach the unjust thy ways: and the wicked shall be converted to thee. Deliver me from blood, O God, thou God of my salvation: and my tongue shall extol thy justice. O Lord, thou will open my lips: and my mouth shall declare thy praise. For if thou had desired sacrifice, I would indeed have given it: with burnt offerings thou will not be delighted. A sacrifice to God is an afflicted spirit: a contrite and humbled heart, O God, thou will not despise. Deal favourably, O Lord, in thy good will with Sion; that the walls of Jerusalem may be built up. Then shall thou accept the sacrifice of justice, oblations and whole burnt offerings: then shall they lay calves upon thy altar.'¹¹⁶

The delivering of the chastisement in the form of the psalm served to create a liturgical atmosphere that, in conjunction with the content of the psalm, reminded the erring ruler that his offences were not only crimes but sins, committed not only against his people but against God, and that he would need to abandon them in order to be restored to full communion with the Church. This was the Church both in the sense of the institution with

¹¹⁶ Psalm 50: 3-21.

which John had quarrelled and the wider congregation of the faithful that was ultimately, as Langton set down in his *quaestiones*,¹¹⁷ the origin of his authority and, as such, had 'an over-right over all his [the king's] actions.'¹¹⁸

In the same way, Edmund, as 'the most dignified person in the kingdom... with the authority conceded to him' performed the 1234 ritual 'in the name of all the faithful of the kingdom'.¹¹⁹ Moved to act because 'feeling great pain for the desolation of the king and kingdom',¹²⁰ Edmund and his suffragans advised the king on behalf of his people that the counsel of Peter des Roches was 'cruel and dangerous' to him and 'the kingdom of England' and turned 'the soul of the king from the love of his people'. The mendacity of his counsellors had deprived the king and kingdom of the 'best man of the land' (Richard Marshal), and their warmongering had caused the loss of Angevin territory and threatened to destroy the kingdom's peace. The bishops spoke on behalf of the 'natural born men of the kingdom' whom the Poitevins had excluded from court, and of noble girls and women whom the Poitevins had caused to be disparaged. The final request, or rather warning, of the bishops, that the king expel his counsellors and 'just as the custom is in other kingdoms' govern his realm through native men, faithful and sworn, resounded with the interests of the curial community.

In the coronation ceremony, the bishops' representation of the community was epitomised by their requirement of the coronation oath from the would-be king.¹²¹ The oath represented a contract between king and kingdom, an acknowledgement of obligation on the future king's part to 'all the faithful of the kingdom, both clerics and laity' who had placed him 'at their head' in order to defend 'the uncontaminated laws of the laity and the peace of the church'.¹²² Facing an unfit king who had failed to uphold his side of the agreement, Langton ensured that the same process would form an integral part of the re-inauguration in 1213. This becomes clear through a comparison of the oath sworn by John in 1213, the twelfth-century coronation ordo and the oath recorded by Roger of Howden from Richard's coronation in 1189:

¹¹⁷ Baldwin, 'Master Stephen Langton', 822.

¹¹⁸ Turner, 'Liminality', 104.

¹¹⁹ Langton, given by Baldwin, 'Master Stephen Langton', 822.

¹²⁰ *CM*, III, 268-9.

¹²¹ Nelson, 'Inauguration Rituals', 295.

¹²² Langton, given by Baldwin, 'Master Stephen Langton', 822.

<i>Twelfth century coronation ordo</i>	<i>Richard I's coronation oath</i>	<i>Oath sworn by John at Winchester 1213</i>
'Imprimis se esse praecepturum et pro viribus opem impensuram, ut ecclesiae Dei et omni populo Christiano vera pax omni suo tempore observetur.' ¹²³	'quod pacem et honorem et reverentiam omnibus diebus vitae suae portabit Deo et Sanctae Ecclesiae et eius ordinatis.' ¹²⁴	'quod sanctam ecclesiam eiusque ordinatos diligeret, defenderet, et manuteneret contra omnes adversarios suos pro posse suo.' ¹²⁵
'Secundo, ut rapacitates et omnes iniquitates omnibus gradibus interdicat.' ¹²⁶	'quod rectam justitiam exercebit in populo sibi commisso.' ¹²⁷	'quodque bonas leges antecessorum suorum et praecipue leges Eadwardi regis revocaret, et iniquas destrueret, et omnes homines suos secundum justa curiae suae iudicia iudicaret; quodque singulis redderet iura sua.' ¹²⁸
'Tertio, ut in omnibus iudiciis aequitatem praecipiat et misericordiam' ¹²⁹	'quod leges malas et consuetudines perversas, si aliquae sunt in regno suo, delebit, et bonas custodiet.' ¹³⁰	

Although Sir James Holt had suggested that the Winchester oath was some sort of renewal of the coronation oath, for John Baldwin the clause demanding 'judgement by court' in the 1213 oath was a manifestation of 'Master Stephen's personal signature'.¹³¹ The promise to recall the good laws of king Edward and destroy iniquitous ones is also subsumed by Baldwin into Langton's personal world-view, a prelude to his public vaunting of Henry I's coronation charter.¹³² That the tenets of the oath sworn by John in 1213 were congruent with Langton's personal scholarship is not in question. Yet, extracted in the context of this

¹²³ F. Schulz, 'Bracton on Kingship', *EHR* 60 (1945). 136-76, at 137.

¹²⁴ *GRHS*, II, 82. It was for this purpose that the archbishop had handed him the sword as part of the rite, 'ad malefactores ecclesiae comprimendos.' (*GRHS*, II, 82).

¹²⁵ *CM*, II, 550.

¹²⁶ Schulz, 'Bracton', 137.

¹²⁷ *GRSH*, II, 82.

¹²⁸ *CM*, II, 550.

¹²⁹ Schulz, 'Bracton on Kingship', 137.

¹³⁰ *GRHS*, II, 82.

¹³¹ Holt, *Magna Carta*, 219; Baldwin, 'Master Stephen Langton', 829.

¹³² Baldwin, 'Master Stephen Langton', 829-30.

particular ritual, they represented a reaffirmation of the contract formed between the king and his people at his coronation, mediated by the archbishop of Canterbury acting in his traditional role. The opening clause of John's oath in 1213, in which the king swore to protect the Church and her clergy, could not have been a more audible echo of the first clause of the coronation oath. Similarly, the second part of the 1213 oath appears to be a combination of the promise to provide right and equitable justice common to both the *ordo* and the oath recorded by Roger of Howden, updated with reference to the essential principals of the common law,¹³³ and the third part of Richard's coronation oath that held the king to abolish bad laws and customs and uphold good ones. For Holt, the only possible confirmation of the suggestion that the oath was prompted by Langton was the fact that the first clause referred to the protection of the Church's peace. The idea that Langton might have seen the remaining clauses as a 'constitutional check on the king' was dismissed.¹³⁴ These surmises, though, are based on a belief in Langton's views on the separation of Church and state that have been disproven.¹³⁵ The particular tenets of John's oath at Winchester, then, seem to be Langton's conscious appeal to the deepest and oldest traditions of the contract between king and people represented in the coronation oath.¹³⁶ The purpose of the oath, for Holt, was 'obscure'; perhaps John 'intended this as an ultimate concession to the malcontents or as a sign that he reigned once more as a communicant king.'¹³⁷ Viewed, however, in the context of a ritual that emulated the coronation, and granting Langton the agency made possible by the world-view discussed above, the oath was much more than a 'sign'. Like that offered by John at his coronation it was performative, committing him wholly to his kingly duties, as well as transformative, (re)elevating John to the status of pious Christian king, bound to his kingdom.

¹³³ The point that the 'judgement by court' component had its home in common law is made forcefully by Carpenter, 'Archbishop Langton', 1043.

¹³⁴ Holt, *Magna Carta*, 219.

¹³⁵ For Holt's view on Langton's belief in the separation of Church and State, see: Holt, *Magna Carta*, 280-89; for Langton's belief in the duty of churchmen to oversee government, see: d'Avray, 'Magna Carta', 427-9.

¹³⁶ Baldwin's presentation of Langton at the orchestrator of action against the king should be re-read in this light. Langton's threat in August to excommunicate John should he fail to judge his barons in court was not, as Baldwin seems to imply, an aggressive move against John's rule motivated by Langton's personal beliefs but a reminder: not only that his absolution was conditional on his observance of the Winchester oath but that it was conditional on his observance of the ancient contract between king and people that the Winchester oath reiterated (Baldwin, 'Master Stephen Langton', 830).

¹³⁷ Holt, *Magna Carta*, 219.

The king's submission

Through John's offer of this oath in response to Langton's demand, and the acceptance of chastisements supplied by archbishop and bishops to both John and his son, both kings performed a demonstrable submission to their metropolitans. John's submission, set round with overt displays of humility, was particularly emphatic. His prostration accompanied by profuse weeping at the feet of the bishops, like his submission to the Cistercians in 1200,¹³⁸ was perhaps a visual echo of ancient forms of dispute settlement, a public admission of guilt that would form 'the centrepiece of atonement', rendered as a form of satisfaction for the victim.¹³⁹ Such demonstratively humiliating acts would, of course, usually be performed by a subject in recompense of an offence against his king.¹⁴⁰ The self-abasement of someone of royal status could sometimes prove problematic and the symbolism and performance of any such act had to be managed carefully. Henry II, on his barefooted pilgrimage to Canterbury in 1174 made in atonement for the murder of Thomas Becket, had to forbid the monks of Canterbury from welcoming him in the splendid fashion customary for the reception of kings in order to achieve the required impression of humility.¹⁴¹ Even in the act of penance, royal status was still recognised and respected. Objections were raised in 1217, in fact, when royal status was not granted the appropriate respect. The original requirement for prince Louis's absolution following his invasion of England was that he appear before the papal legate, King Henry and his mother to admit his guilt publicly wearing nothing but his underwear. Since the prince deemed this requirement unacceptable, it was agreed that he could submit wearing a mantle over the top.¹⁴²

It was the focus of the king's submission, perhaps, that was particularly significant. For prince Louis, the degree of humiliation originally required of him might have been particularly unpalatable because his submission was to be made to fellow royalty or, perhaps, because it was to be made to a boy. There is precedent to suggest that the submission of a king to an ecclesiastic alone might have been more acceptable. The submission of the emperor Henry IV to Gregory VII at Canossa in 1077 was marked by many of the same characteristics as John's submission to Langton: Henry IV travelled to meet the pope, appeared before him (barefoot in sackcloth, unlike John) and prostrated himself at Gregory's feet entreating the pope's 'help

¹³⁸ Carpenter, 'Ralph of Coggeshall', 1220.

¹³⁹ Althoff, 'Satisfaction', 272, 279.

¹⁴⁰ Althoff, 'Satisfaction', 273.

¹⁴¹ Vincent, 'Pilgrimages', 16.

¹⁴² *History of William Marshal*, ll. 17704-17710; Carpenter, *Minority of Henry III*, 44.

and comfort' with profuse tears. Just as Langton and the bishops were to do in 1213, the pope lifted the king to his feet, absolved him and offered him the Eucharist.¹⁴³ John, indeed, had felt able to prostrate himself before the Cistercians in 1200.¹⁴⁴ In all three cases, the emphatic form of submission was perhaps aided by the fact that the recipient, as a cleric, was a member of an unarmed status group, unable to use force or shed blood. The submission to a clerical figure thus protected the king's machismo in a way that would not be possible if he were required to submit to a leading member of the community of lay, or particularly baronial, status.

Like Henry IV's appearance barefoot in sackcloth, John's demonstrative submission to Langton (as well as Henry III's to Edmund of Abingdon), was 'a polysemic piece of symbolism'.¹⁴⁵ In the Ndembu ritual described by Turner, the initiand was to accept the insults heaped upon him with humility and without retort.¹⁴⁶ In one sense this recognised the authority of the community that had 'over-right over all his actions', though there was also a clear parallel with Christian penance. In the sacrament of confession, the confessor might judge the humility and contrition of the penitent by his quiet acceptance of the confessor's criticism.¹⁴⁷ Profuse tears, too, of the sort demonstrated by John in 1200¹⁴⁸ and 1213 (and by Henry IV at Canossa)¹⁴⁹ were another proof of the contrition of the penitent as well as one of the 'demonstrative acts' of submission in dispute settlements.¹⁵⁰ Whilst Henry III might not have wept at Westminster in 1234, his unreserved acceptance of the bishops' counsel was proof of his contrition.¹⁵¹ As the pious king, he responded '*humiliter*' to the bishops '*quod consiliis eorum in omnibus optemperaret*.' His response demonstrated that he had understood '*proprium errorem*' and was '*poenitentia ductus*' to act on episcopal counsel.¹⁵²

¹⁴³ T. Reuter, 'Contextualising Canossa: excommunication, penance, surrender, reconciliation', in his *Medieval Politics*, 147-66, at 147, 155-157.

¹⁴⁴ Coggeshall, 109; Carpenter, 'Ralph of Coggeshall', 1220.

¹⁴⁵ Reuter, 'Contextualising Canossa', 160.

¹⁴⁶ Turner, 'Liminality', 103; Turner, 'Humility', 171.

¹⁴⁷ Koziol, *Begging Pardon*, 319.

¹⁴⁸ '*rex ad pedes eorum se humiliter prostravit ac lachrymis faciem rigavit; ipsis e contra pro tanta regis humilitate et reverentia se prosternentibus*' (Coggeshall, 109).

¹⁴⁹ Reuter, 'Contextualising Canossa', 157.

¹⁵⁰ Koziol, *Begging Pardon*, 318; Althoff, 'Satisfaction', 278-9.

¹⁵¹ Henry broke in to tears, though, when he heard of the death of Richard Marshal (*Wendover*, IV, 309). For Björn Weiler, this was the moment when 'Henry's character was wholly redeemed' (Weiler, *Political Culture*, 82). For Nicholas Vincent, Henry's display of emotion was motivated more by what was considered appropriate (Vincent, *Peter des Roches*, 440).

¹⁵² *CM*, III, 272.

That the focus of the submission was the archbishop of Canterbury, accompanied by his suffragans, therefore rendered the act polysemic, open to varying interpretations by actors and observers alike. The king prostrated himself in a visible act of penitence before his confessor, acknowledging his sins, begging for the mercy of the archbishop but also for the mercy of God, on whose behalf the archbishop would act in forgiving the king's sins. The archbishop as confessor mediated between the penitent and God but also, at the same time, in his traditional role between the king and the community of his kingdom, the overriding authority of which the king acknowledged in his submission. Far from detracting from the validity of this ritual, the ambiguity of this symbolism could be a power in itself. From the point of view of the audience – the large assemblage of magnates and prelates present at both Winchester in 1213 and Westminster in 1234 – the gaps in certainty provided room for its members' various individual 'moves of creative imagination' in order to arrive at meaningful interpretation of what was going on.¹⁵³ The symbols had only limited power in and of themselves to make the ritual effective; it was the act of interpretation by the audience members which 'complete[d] the construction of its reality'.¹⁵⁴

That various members of the audience might arrive at different interpretations of the ritual was not problematic, but allowed the ritual to be accepted more widely than it would have been had the meaning been less malleable, since each participant and audience member would be able to incorporate it comfortably into their understanding of the situation.¹⁵⁵ The success of the ritual was not dependent on the unanimous interpretation of its symbols but upon whether the audience was drawn in, sharing with the participants in the 'action and intensity' of the goings on. It was vital, then, that the participants create through the performance of each symbol and action the suitable emotional charge in which the audience could share. Here a marked success of the Langtonian ritual was John's prostration accompanied by 'profuse tears' (*'lacrimis profusis'*). This act was sufficiently powerful for the bishops to recognise the king's humility (*'tantam regis humilitatem'*) and respond with their own tears and lift him from the ground.¹⁵⁶ The mood of the scene was so affecting that it immediately engaged the empathetic response of the audience, who wept abundantly with joy (*'videntes magnatibus cunctis et ubertim prae gaudio flentibus'*). The king, archbishop, prelates

¹⁵³ Schieffelin, 'Performance', 721.

¹⁵⁴ Schieffelin, 'Performance', 721.

¹⁵⁵ Koziol, *Begging Pardon*, 309-10.

¹⁵⁶ See too the similar response of the Cistercians to John's tearful prostration recorded by Ralph of Coggeshall (*Coggeshall*, 109).

and magnates were similarly united in the joy and amiability of the feast that followed (*ad mensam cum rege residentes, archiepiscopus cum episcopis et magnatibus universis epulabantur in laetitia et jocunditate*).

The events at Westminster in 1234 were not awash with such palpable emotion, yet clearly the appropriate mood was created by the participants and shared by the audience. In this case, the charge evoked was a mutually respectful spirit of concord, with the bishops emphasising that they were the king's faithful men, directing their accusations of misconduct only against the king's ministers and assuring him that they spoke only out of concern for the king and his kingdom.¹⁵⁷ Although the ritual was incomplete, the king still responded '*humiliter*' and the result was that the assembly was closed '*recedentibus cunctis cum fiducia concordiae celeriter optinendae*.'¹⁵⁸ Although no measure is given of the response of the audience to the completed ritual at Westminster, the description of Henry's demeanour suggests that the mood was similarly effective.¹⁵⁹ It was not enough for the ritual to be performed; it needed to be performed committedly and convincingly in order to be effective.

The remade king

The success of both rituals, in 1213 and 1234, was signalled by the transformation of the subject, the remade king, as he emerged from the liminal phase 'inscribed [with] the knowledge and wisdom of the group' with his 'form impressed upon [him] by society'.¹⁶⁰ The transformation of the subject was signalled immediately in John's case by the celebration of Mass,¹⁶¹ both an echo of the coronation ritual and, with his reception of the Eucharist, recognition that he once again resided in communion with the Church.¹⁶² This was an emphatic statement by Langton of John's reintegration with the community, since it exceeded the papal mandate issued by Innocent III that only authorised the archbishop to absolve the king, not to lift the interdict.¹⁶³ The most vivid demonstration of the ritual's success was perhaps, though, the archetypal display of unity and solidarity between the king and his subjects – the feast. The convivial feast, shared by formerly disputing parties, was a traditional

¹⁵⁷ *CM*, III, 269-70.

¹⁵⁸ *CM*, III, 271.

¹⁵⁹ *CM*, III, 272.

¹⁶⁰ Turner, 'Liminality', 103.

¹⁶¹ *CM*, II, 550.

¹⁶² *GRHS*, II, 83; c.f. *Dunstable*, 57; Reuter, 'Contextualising Canossa', 156-7.

¹⁶³ As Innocent himself pointed out (*Selected Letters of Pope Innocent III concerning England (1198-1216)*, ed. C.R. Cheney and W.H. Semple (London, 1953), 155-6; 171-2).

signal of the successful resolution of a dispute.¹⁶⁴ It could also, once again, be interpreted as an allusion to the coronation ritual.¹⁶⁵ The important point demonstrated in both cases was the unity between the king and his magnates and prelates.

The demonstration that the king had indeed been 'inscribed' with an appreciation for the community's customs and his obligation to uphold them also required swift, assertive action on his part. In John's case, his transformation was underlined by his actions the next morning, when he sent letters to all the sheriffs of England ordering them to convene four law-worthy men from every vill of their dominion in order to make inquiries about the losses incurred by the bishoprics during the interdict and what each was owed.¹⁶⁶ In Roger of Wendover's account of 1234, Henry III's transformation was signalled by his immediate and humble promise to obey episcopal counsel. Henry ordered the withdrawal of Peter des Roches to his bishopric and issued the irrevocable banishment of Peter de Rivallis from court, demonstrating the force of his renouncement by swearing that, had de Rivallis not been protected by his clerical status, the king would have had his eyes plucked out.¹⁶⁷ In reality, Henry's transformation was not instantaneous. Henry had been fearful of the prospect of excommunication at the hand of the bishops before the initial chastisement offered by Edmund at Westminster in February.¹⁶⁸ The period of time before the repetition of the archbishop's protest in April also gave the king plenty of opportunity to contemplate his actions. Certainly Henry embarked on an extended pilgrimage across East Anglia after the Westminster council and also made a number of concessions as part of a 'display of royal clemency', including an ordinance on attorneys that, in referring to Magna Carta, 'signalled his detachment from des Roches, and his conversion to the programme expounded by the

¹⁶⁴ Reuter, 'Contextualising Canossa', 156, 162.

¹⁶⁵ The festive meal described by Roger of Wendover and retold by Matthew Paris ('*Et post missam ad mensam cum rege redisentes, archiepiscopus cum episcopis et magnatibus universis epulabantur in laetitia et jocunditate*') is similar to Roger of Howden's description of the close of Richard's coronation in 1189 ('*Et archiepiscopi, et episcopi, et abbates, et alii clerici sedebant cum eo in mensa sua, unusquisque secundum ordinem et dignitatem suam. Comites vero et barones et milites sedebant ad alias mensas et epulabantur splendide*') (CM, II, 550; GHRs, II, 83). Accounts of the feast that followed Richard's coronation give an indication of what a lavish spectacle such an event might be (Gillingham, *Richard I*, 107). See also the feast held after Henry III's coronation in 1216: '*Tandem, expletis missarum solemnibus, duxerunt regem cum processione solemnibus episcopi et comites saepedicti regalibus indutum ad mensam, ubi omnes in ordine suo considentes epulabantur in laetitia et exultatione*' (Wendover, IV, 2).

¹⁶⁶ CM, II, 550.

¹⁶⁷ CM, III, 272.

¹⁶⁸ Vincent, *Peter des Roches*, 429.

bishops.¹⁶⁹ Although there is no record that his symbolic transformation was the result of negotiation with archbishop Edmund during this period, this does not have to mean, as Björn Weiler suggests, that the ritual was spontaneous.¹⁷⁰ Henry's apparent preparations for a break from the des Roches regime make it possible that some discussions between the king and archbishop had taken place, or at least that Edmund believed that Henry was open to the possibility of a public renunciation of des Roches and his associates. Just as preparation for a parting of the ways had taken some time, the Westminster parliament in April did not represent a clean break from the des Roches regime. The personnel changes made to the royal administration were gradual at first, until Richard Marshal's death allowed for a wholesale review.¹⁷¹ The assembly at Gloucester between 16 May and 4 June, in which the king was reconciled with the rebels and Gilbert Basset was confirmed in possession of Upavon, provided a closure of the conflict.¹⁷² Henry's satisfaction was completed over the next two years by the restitution of thirteen properties of which he had disseised his subjects '*de voluntate sua*' and his public appearance on several occasions to acknowledge his guilt.¹⁷³ Henry's embracing of the cult of Edward the Confessor over the course of the following years, as he sought a patron who would provide a better example than des Roches, was another demonstration that he had been remade as king, as one who would govern lawfully in concert with the magnates of the realm.¹⁷⁴ Whilst Henry and his government were transformed over time, what the ritual at Westminster in April provided was a public transformation of the king; a chance for all gathered to witness that he had been remade.

Conclusion

What this analysis shows is, firstly, the central role of the episcopate in the political community. Bound by an array of loyalties to seek the peace and security of the kingdom and its subjects, and in possession of extraordinary powers to effect serious change in royal policy, they were the cornerstone of the regnal community. Secondly, particular actions of particular bishops cannot be plucked from their context, joined up to form a narrative of episcopal suspicion of royal power, as if the likes of Langton or Edmund emerged sporadically from scholarly seclusion to intervene in worldly affairs. Combined with a broader assessment of

¹⁶⁹ Vincent, *Peter des Roches*, 430-31; Vincent, 'Pilgrimages', 27.

¹⁷⁰ Weiler, *Political Culture*, 138.

¹⁷¹ Vincent, *Peter des Roches*, 436, 441.

¹⁷² Vincent, *Peter des Roches*, 441-442.

¹⁷³ Carpenter, 'Justice and Jurisdiction', 40, 42.

¹⁷⁴ Carpenter, 'Henry III and Saint Edward', 877-8.

their activities and set amidst the complex web of episcopal culture, the actions of the English bishops articulate a profound commitment to their eirenic obligations continually displayed. Wary of the scriptural precedents for kingly transgressions and witness to the injudicious policies of their own rulers, of course they were well placed to recognise royal sin. Yet far from demonstrating an aggressive attitude to royal power, this awareness prompted a constructive approach to dealings with individual kings. Erring monarchs need not be robbed of power; ritually washed of the stain of sin, they could be reformed and remade, fit to rule their kingdom once again. In this way, peace could be remade and it was peace that was always the ultimate objective. Langton and Edmund had made the right and obligation to act as peacemakers an integral part of the episcopal office and of episcopal identity.

Chapter Two

Episcopal Unity and Royal Power in Thirteenth Century England

In 1252, Henry III ordered the senior clergy of the province of York to assemble. Although armed with a papal mandate ordering England's bishops to assist their king, Henry, in his attempts to secure an aid for his expedition to the Holy Land, had so far been frustrated by the episcopate's stubborn refusal to comply. Now, Henry attempted to play 'divide and conquer' by summoning the two provinces separately. His move was parried, however, by the archbishop of York, who advised the king in resolute fashion that such tactics would not be tolerated by the clergy of his province:

'since the aforesaid business touches the whole English Church, and in such shared enterprises it is customary to hold discussion between the clergy of both provinces, namely of York and Canterbury, before a certain response is given, they do not believe that it is right or fitting to cease doing things in this way; and therefore with such a discussion omitted they delay their response; when such a discussion has been held, they will answer, as they assert, according to what God has given to them, with the utility of the Church, yourself, and our kingdom having been considered communally.'¹

This was a proud declaration of supra-provincial unity. Perhaps it concealed some latent friction still lingering from the primatial contests of the previous century; yet if any tension remained it was clearly unequal to the force of the English episcopate's corporate identity.

This identity had been forged through many years of regular meetings, as representatives of the higher clergy were repeatedly summoned to consider royal demands for taxation. This was a similar process to the one identified by Janet Nelson as a feature of episcopal activity across early medieval Europe, in which the holding of regular 'national' ecclesiastical councils forged a collective episcopal identity, since: 'by their very existence, they provided a definite organization for the whole episcopal group... Repeated meetings over time, collective action, and the articulation of common concerns fostered a conscious

¹ *'cum dictum negotium totam tangat ecclesiam Anglicanam, ac in talibus communis inter clerum utriusque provincie, Eboracensis videlicet et Cantuariensis, consueverit tractatus haberi antequam certum daretur responsum, a modo illo recedere non credunt esse congruum vel honestum; et ideo pretermisso tali tractatu differunt respondere, quo habito, respondebunt, ut asserunt, secundum quod dederit eis deus, ecclesie, vestris, et regni nostri utilitatibus communiter ponderatis'* (C&S, 450).

solidarity on the part of the bishops.’² Indeed, a strong collective identity framed by regnal identification had been a feature of the English Church through the tenth, eleventh and twelfth centuries.³ Episcopal unity had not always, however, remained intact. In 1197, for instance, the episcopate had fractured in response to Richard I’s demands that they supply him with either 300 knights, to serve throughout the year in Normandy, or the equivalent scutage. The archbishop of Canterbury, Hubert Walter, was responsible for presenting the request to the assembled bishops and was adamant that his see would contribute; in this he received support from the bishop of London. Hugh of Lincoln, however, refused the request, inspiring the bishop of Salisbury to follow him. The archbishop angrily dissolved the assembly and the two disobedient bishops faced the royal rancour. Whilst Hugh remained unscathed, since nobody would dare move against him, the bishop of Salisbury suffered the consequences of the king’s wrath as his estates were seized and he was forced to proffer large sums for the king’s favour.⁴ In contrast, the thirteenth century, particularly the 1250s, saw royal requests for aid met by remarkable displays of episcopal unity, led by the archbishop of Canterbury, and this afforded the bishops a significant degree of protection from royal rancour.

It was the circumstances of ecclesiastical meetings in the thirteenth century and the issues they considered that re-forged and re-shaped this solidarity. In thirteenth-century England, bishops (sometimes along with representatives of the wider clergy) were assembled regularly to consider royal requests for financial aid. They were thus drawn to consider the king’s financial management and the direction of royal policy. In addition, several schedules of complaints were drawn up and discussed at these meetings, in which the king’s infringements of ecclesiastical jurisdiction and attacks on Church rights were bemoaned. Viewed in isolation, these *gravamina* create an impression of the episcopate as an embattled victim of Angevin oppression. Such an impression would essentially be misleading or, at least, belie a more complex episcopal corporate identity. Elements of this identity have been discussed in the

² Nelson, ‘National Synods’, 43-44.

³ For the earlier history of English ecclesiastical assemblies and their unifying effect on the senior clergy, see: Nelson, ‘National Synods’, 48-49; G. Tellenbach, *The Church in Western Europe from the Tenth to the Early Twelfth Century*, trans. T. Reuter (Cambridge, 1993), 60-64, especially his remarks that the ‘synod or council with the king present were characteristic expressions of the consciousness of a national church which saw itself as being simultaneously a particular and the universal church’ (Tellenbach, *The Church in Western Europe*, 64). As Zachary Brooke showed, this did not imply a sense of separatism from the universal Church: Z.N. Brooke, *The English Church and the Papacy: from the Conquest to the Reign of John* (2nd edn, Cambridge, 1989), 1-21.

⁴ Leyser, ‘Angevin Kings’, 166-8.

previous chapter. The following will address another important feature: solidarity, shaped in a large part by Henrician demands. Whilst the content of the *gravamina* reflect part of the landscape of episcopal opinion, this chapter will focus less on the *gravamina* themselves than the circumstances of their creation, and their status as a bargaining tool intended to strengthen the position of the bishops when faced with royal demands for taxation. It was the fundamental weakness of the English Church in this regard – its vulnerability to royal demands in comparison to the lay magnates – that drove its leading members to unite as never before and formulate a codified response. This was one mutation of a complex, sophisticated episcopal culture and identity, other aspects of which will be explored further in the following chapters. This culture did not encourage an aggressive attitude to kings. Although the episcopate was concerned to negotiate a strong position in relation to royal power, it sought to do so either through customary or historically legitimised mechanisms or else, as this chapter will suggest, through mechanisms symbiotic with the exchange of lay taxation in return for Magna Carta. This was the sanctioned path by which the episcopate sought to improve its position. In 1258, the bishops did not seek redress for their *gravamina* by attaching their cause to the baronial programme, largely because the measures imposed by the reformers strayed a long way from the established episcopal path.

Consent to clerical taxation: a long-standing ambiguity

Given the climate of theological opinion, senior churchmen in the thirteenth-century were not predisposed to sympathy for the financial demands of rulers. As Elizabeth Brown has argued, there was an increasing interest in the morality of taxation among the scholars of Paris in the twelfth and thirteenth centuries, at a time when European rulers were increasingly forced to look to their subjects for aid.⁵ Peter the Chanter, for instance, working in Paris at the end of the twelfth century, emphasised ‘necessity’ as a criterion for taxation, declaring that all funds extracted except in emergencies were rapine.⁶ In his biblical exegesis, the Chanter’s colleague Stephen Langton displayed a similar insistence on ‘necessity’ when discussing both the levying of tax and the amount extracted. He was clearly suspicious of royal motives:

‘immense weights (Deut. 17: 17): here avarice is attacked. This is, plainly, against modern kings, who collect treasure not in order they may sustain their necessity, but to satiate their cupidity. And note that the temporal possession of riches is well called a weight... because they are

⁵ E. A. R. Brown, ‘Taxation and Morality in the Thirteenth and Fourteenth Centuries: Conscience and Political Power and the Kings of France’, *French Historical Studies* 8 (1973), 1-28.

⁶ Brown, ‘Taxation and Morality’, 4.

heavy, and drag down the man who carries them... to the lowest point of hell... And note that he says: *immense*, that is, beyond the measure of necessity: therefore, whatever goes further, that is, beyond necessity, is from evil, that is, it is evil and a sin.'⁷

'Necessity' was certainly a criterion applied to debates in English assemblies concerning the granting of taxation.⁸ It was also a moral issue of which theologians were acutely sensitive.⁹ Given Langton's subsequent leading role on the political stage during Henry III's minority, his strong feelings on the subject could only have served to fine tune the moral senses of the English episcopate. So too did the influence of Robert Grosseteste in the 1240s and early 1250s. Although Grosseteste's views on royal fiscality will be discussed in depth in a later chapter, it is worth noting at this point how his reading of Book Eight of Aristotle's *Nichomachean Ethics* amplified Langtonian-type views, making it a fundamental requirement for kingship that monarchs not overburden their subjects. Grosseteste argued that those who could truly be called kings had immense personal resources, meaning that they had no need to place financial burdens on their subjects. Those rulers whose income was insufficient to support the exercise of their office, who were thus driven to extract funds from their subjects in order to rule, could not rightly be called kings.¹⁰ It is worth considering the influence of Langton and Grosseteste as well as the wider academic community in the debates surrounding Henry's demands for financial aid, both in those cases where 'necessity' could be readily demonstrated (as in 1225 and 1226, when England was thought to be under threat of invasion) and those, such as the funding of Henry's crusade to the Holy Land and expedition to Sicily, where it was felt to be absent. Ecclesiastical resistance to unnecessary taxation was not only a matter of protecting Church resources; it was a moral obligation.

Papal legislation, in the form of canon 46 of the Fourth Lateran Council, supported the requirement of 'necessity' if an aid was to be given to the lay ruler, making it clear that local clergy should be able to decide whether this criterion was satisfied. It was for the local church, therefore, to decide freely whether to provide consent to taxation of its resources:

'If... the bishop and his clergy together foresee a necessity or advantage so great that without any coercion, for the common good or the common need when the resources of laymen do not suffice, they consider churches should give subsidies, the aforesaid laymen shall humbly and devoutly receive them and give thanks.'¹¹

⁷ d'Avray, 'Magna Carta', 427.

⁸ J. R. Maddicott, *The Origins of the English Parliament 924-1327* (Oxford, 2010), 122-3, 176-7.

⁹ d'Avray, 'Magna Carta', 427.

¹⁰ Mercken, 160.54-69.

¹¹ *EHD*, 663.

What is less clear, however, was the form this consent should take. No formula is provided here for the mechanism by which the local church would grant its consent, whether by a provincial or national council or a more informal agreement. This is in contrast to the protection provided for secular taxation in clauses 12 and 14 of Magna Carta 1215, which set out that 'no scutage or aid is to be levied in our realm except by the common counsel of our realm...' (12) and 'to obtain the common counsel of the realm for the assessment of an aid... or a scutage, we will have archbishops, bishops, abbots, earls and greater barons summoned individually by our letters, and... all those who hold of us in chief, for a fixed date, with at least forty days' notice ... and in all letters of summons we will state the reason for the summons...' (14).¹² Apart from the claim that scutages required common consent, these clauses represented customs that had grown out of Richard's reign and quickly become entrenched in the baronial mentality.¹³ Although they were omitted from subsequent reissues of Magna Carta, the king remained aware of practical need for consent.¹⁴ The barons, moreover, still associated these customs with the Charter and were confident in the 1250s of appealing to its protection. When two councils, of the magnates and prelates, were summoned to meet concurrently in October 1255 to consider the king's request for an aid (for the king's Sicilian expedition), the magnates were able to respond 'that all at that time were not called according to the tenor of Magna Carta and, therefore, without their peers, who were then absent, they did not wish to give a response nor to concede or provide an aid'.¹⁵ The prelates, in contrast, could apparently see no alternative but to meet as requested.¹⁶ Although senior ecclesiastics, as tenants-in-chief, received the protection of these customs for their baronies, their ecclesiastical incomes were neither explicitly nor implicitly protected.

Furthermore, it was less than clear whether or not the clergy of a local church had the right to refuse consent, if the king could produce a papal mandate ordering the payment of a clerical tax. The Fourth Lateran Council, although asserting that the local clergy should provide consent to any tax, had also insisted that 'as some are imprudent' the pope 'whose

¹² Holt, *Magna Carta*, 455.

¹³ Maddicott, *Origins of Parliament*, 119-26.

¹⁴ Carpenter, *Minority of Henry III*, 61; D. A. Carpenter, 'The Beginnings of Parliament', in his *The Reign of Henry III* (London, 1996), 381-408, at 386.

¹⁵ '*quod omnes tunc temporis non fuerunt iuxta tenorem magne carte sue vocati, et ideo sine paribus suis tunc absentibus nullum voluerunt tunc responsum dare vel auxilium concedere vel prestare*' (CM, V, 520-21); Maddicott, *Origins of Parliament*, 198-99.

¹⁶ CM, V, 524-6.

business it is to see to the common good, [should] be consulted beforehand.’¹⁷ There was some disagreement in England as to whether papal assent to a tax constituted a recommendation or an order to the local clergy. The ambiguity is apparent in discussions surrounding taxes both for ‘secular’ causes (as in 1226, when the proposed tax was for the defence of the kingdom) and ‘pious’ ones (as during Henry’s campaign to raise funds for his projected crusade in the early 1250s). What follows is a description of how senior English churchmen sought to negotiate a stronger position for the English Church in response to royal and papal demands. This course was pursued through a series of performative assertions of corporate rights and ecclesiastical unity. Time and again senior ecclesiastics insisted that ‘the common consent of the prelates and the whole clergy’ was necessary for taxation on their resources.¹⁸ Such statements did not describe broadly accepted customary rights but, instead, sought to establish them. Similarly, statements like that of the archbishop of York with which this chapter began did not always describe the current situation but attempted to create a state of unimpeachable ecclesiastical unity by ensuring that the king would treat the two provinces as an undivided whole. This process of negotiation was arduous, ongoing and in one sense largely unproductive in that it failed to secure a strong position for the English Church in relation to royal demands. It did, however, contribute to the continued recreation of episcopal identity and forged an even stronger sense of ecclesiastical unity.

The lay fifteenth of 1225 and the clerical sixteenth of 1226

A watershed moment in this process came in 1226, when the clergy sought to establish the same right to consent to taxation in an assembly as that enjoyed by lay magnates. Henry and his minority council were confronting the loss of La Rochelle and Poitou to the king of France and the subsequent threat to Gascony.¹⁹ A substantial amount of money was needed to send a force to France and this was obtained by a grant of a fifteenth on movables, conceded by a great council in 1225. Crucially, this grant was made in return for a reissue of Magna Carta and the Charter of the Forests. The process by which this grant was made demonstrated how ‘kingship had... accepted the limits imposed by the Charters. The events of 1225, indeed, marked the decisive stage in the implantation of the Charters into English political life’.²⁰ This was because ‘the new Charters [were] part of a mutual bargain between the king and his

¹⁷ *EHD*, 663.

¹⁸ *C&S*, 506.

¹⁹ Carpenter, *Minority of Henry III*, 370-5.

²⁰ Carpenter, *Minority of Henry III*, 376.

realm... As the Charters themselves stated, in return for the concession of the liberties, everyone in the kingdom had granted the king a fifteenth of their moveable property.’²¹ The Church, principally in the person of Stephen Langton, had played a significant part in this process. Langton had shown himself a vigorous supporter of the Charters in 1223 but in 1225 his ‘intervention took a more official and specifically ecclesiastical form’ when, in support of this mutual bargain, he and his suffragans pronounced sentence of excommunication against infringers of the charters.²² This was a crucial moment for the Church’s relationship with the Charters generally, but also specifically set a precedent for the Church’s support of the principal that grants of taxation would be made in return for concessions or confirmations of liberties.²³ The Church’s involvement, moreover, voiced implicit support for the process whereby tax would be granted by the common consent of the realm in the form of a general assembly.

Although in 1225 the process by which lay taxation should proceed was clear, it was not so the next year when the lay subsidy proved insufficient and Henry turned to the English Church for aid. Playing things by the book (according to canon 46 of the Fourth Lateran Council), Henry recognised that he must obtain the consent of the pope. He dutifully wrote to the pontiff requesting permission to obtain a grant from the English Church and, once armed with papal permission, wrote round to the bishops and heads of religious houses requesting that each provide for him a grant, according to the means of their respective churches, setting out his necessity along with a copy of the pope’s letter of endorsement.²⁴ His request was bolstered by Stephen Langton whose own letter, recommending a twelfth or fourteenth from clerical goods as a reasonable amount and reciting the reasons for the king’s request together with the papal endorsement, was included in the package sent round to senior ecclesiastics.²⁵

What is clear from the letters of both Henry and Langton is that neither deemed the explicit consent of the clergy necessary for the granting of the tax, as both had for the lay tax the previous year. This seems to have been because the tone of the papal mandate, recited by Langton, suggested an order rather than a recommendation: ‘we ask your community and urge it attentively, and order you through apostolic writings, that you provide a subsidy to the

²¹ Carpenter, *Minority of Henry III*, 383.

²² d’Avray, ‘Magna Carta’, 432-33.

²³ d’Avray, ‘Magna Carta’, 433; Carpenter, ‘Archbishop Langton’, 1055-6.

²⁴ *RSO*, 55-6.

²⁵ *RSO*, 57-9.

king according to the means of your churches'.²⁶ Both Henry and Langton certainly interpreted the pope's letter as an order. In his letter to the prelates, Henry advised that the pope had written to the prelates and all the clergy of the kingdom '*monens attentius et mandans*' that the whole clergy provides a subsidy as far as they were able.²⁷ Langton was even clearer as to the tenor of the pope's letter and the response he expected from every church: 'Since, therefore, it is necessary to obey the mandates of the lord Pope, and fitting to aid the king graciously in his necessity, we impress upon your fraternity in the Lord, that you warn and induce all religious of your diocese that, since they have been required, they make a suitable aid to the lord king.'²⁸ That the clergy should pay a tax was in no doubt; the only matter for negotiation was the amount to be paid. That this was to be decided by each diocesan church individually according to its own means, not by the whole English Church in assembly, also shows clearly the difference between the lay and ecclesiastical situation. There was to be no call to a general assembly of the sort set out in clauses 12 and 14 of Magna Carta 1215.

The canons of Salisbury cathedral, however, had other ideas and set out to establish the necessity of explicit consent and the form that it might take. In a remarkable collection of documents, in the *Register of St Osmund*, the Salisbury chapter preserved a record of the process by which it sought to secure the same procedures for clerical taxation as those applied for the lay tax the previous year. This was an endeavour in which the Salisbury chapter invested a great amount of thought and collective energy. The canons were concerned by the suggestions of the papal, royal and archiepiscopal letters, because 'seeing that this business touches all their brothers, they did not wish to give any response concerning this without them which might in any way bring about prejudice to their brothers'.²⁹ All canons were summoned to a meeting, at which four questions were laid out for discussion. First, whether or not the king should be given a subsidy; second, how such an aid could be made at the same level across all churches; third, whether this should be a twelfth or

²⁶ '*universitatem vestram rogamus et hortamur attentius, ac per apostolica scripta vobis mandamus, quatenus juxta facultates ecclesiarum vestrarum competens ei [regi] subsidium impendatis*' (RSO, 57).

²⁷ RSO, 56.

²⁸ '*Cum igitur necesse sit obtemperare mandatis domini Papae, et honestum in suis necessitatibus domino regi liberaliter subvenire, fraternitatem vestram in Domino commonemus, quatinus omnes religiosos vestrae diocesis... moneatis et inducat ut, cum fuerint requisiti, competens auxilium faciant domino regi*' (RSO, 58).

²⁹ '*videns capitulum Sarum hoc negotium omnes fratres suos tangere, noluit absque eis super hoc aliquid respondere, quod in aliquo posset fratribus suis prejudicium generare*' (RSO, 59).

a fourteenth according to the archbishop's suggestion; fourth, how the Church could be protected lest a precedent be created by such a grant to the prejudice of the Church.³⁰ As a result of the ensuing discussion, the chapter wrote to its bishop, Richard Poore:

'Truly, since it is difficult for us, concerning such and so general a business, to give a certain response, since it would be necessary that uniformity be observed concerning this payment through the whole archbishopric of Canterbury, and it would be dangerous for a church to establish and provide anything new that would be in prejudice of the general English Church... [we ask you] that you induce the lord archbishop that he convene before him a proctor from every church where clerics abide, at a certain day and place, that by their uniform provision and counsel, such a certain and uniform response might proceed that, if they see it to be expedient, might comply with the command of the lord Pope and gratitude might be more devoutly forthcoming from others both for the honour of the whole English Church and the safeguarding of the clergy... Therefore we hold it necessary, holy father, together with the whole English Church, that the lord archbishop diligently inquire about the form of security to be made by the lord king, so that if the proctors should consent to the aforesaid aid this deed should not lead to a harmful consequence in the future.'³¹

This was a clear assertion by the Salisbury canons that the English Church should be entitled to provide or withhold consent to royal requests for taxation. A papal mandate, even if interpreted by the archbishop of Canterbury as a clear order to provide the tax, did not oblige the English Church to grant its consent; this was merely one element for consideration ('they might obey the mandate of the lord pope... if they [the proctors gathered in a general assembly] see it to be expedient'). The Salisbury canons also sought to establish that such consent should take the form of common consent provided by a properly convened assembly, whereby proctors were sent from every church. Moreover, the canons presented the English Church as a unified body. This was, obviously, not a reflection of how the Church was treated at this time by either the king or by archbishop Langton, but an attempt to ensure that it would be treated as such in future. These assertions were productive. Langton agreed to the request of the Salisbury chapter for a general assembly. There, proctors agreed to grant an aid

³⁰ *RSO*, 61.

³¹ 'Verum, quia difficile est, nos, super tanto et tam generali negotio certum dare responsum, cum necesse esset, quod uniformitas observaretur super hac praestatione, per totum archiepiscopatum Cantuar', et periculum esset ecclesiae, novellae aliquid statuere et providere, quod esset in prejudicium ecclesiae Anglicanae generalis; paternitatis vestrae genibus provoluti, devotissime supplicamus, quatinus inducatis dominum archiepiscopum ut ipse convocet coram eo, de singulis ecclesiis ubi clerici conversantur, ad certam diem et locum, singulos procuratores, ut de uniformi eorum provisione et consilio, tam certa et tam uniformis procedat responsio, ut domini P. P., si viderint expedire, obtemperetur mandato et ad honorem totius ecclesiae Anglicanae, et ad cleri protectionem, de cetero, devotius assurgat gratitudo. Propterea, sancte pater, necesse habemus, una cum tota ecclesia Anglicana, ut diligenter inquiratur a domino archiepiscopo, forma securitatis domino regi facienda, si procuratores in praefatum auxilium consenserint, ne hoc factum in dampnosam, in posterum, trahatur consequentiam.' (*RSO*, 62).

and decided that the tax be levied at a sixteenth in all churches (a lower rate than Langton's suggested twelfth or fourteenth, or the lay fifteenth of the previous year). The proctors also ensured that the tax would be collected by their own personnel and secured a guarantee from the king on behalf of himself and his heirs that the concession would not be made in prejudice to ecclesiastical liberty.³² Thus, the concerted attempts to negotiate a stronger position based on ecclesiastical unity were largely successful, in the sense that they brought together representatives from all churches to debate shared concerns as a community. The instructions provided by the Salisbury chapter to its proctors, if they can be taken as an agenda for the meeting, indicate the sort of concerns shared in the assembly: whether or not the king should be given the aid; if so, what amount should be given; how such an aid should be assessed; how it should be collected and paid to the king; how long should be allowed for its collection; what should happen if any one of the proctors should dissent from the opinion of the majority; that the aid should not create a precedent dangerous to the English Church.³³ The experience of discussing these concerns as a group helped to forge a corporate identity.

Ecclesiastical assemblies of the 1250s

If the clergy believed that this occasion would stand as a precedent in the eyes of the king they were mistaken. The English Church was to find itself in a similar situation in the 1250s, this time regarding a 'spiritual' aid, in support of Henry's planned crusade. On 6 March 1250, Henry had taken the Cross in aid of the Holy Land. The pope granted Henry a clerical tenth in aid of his crusade on 11 April 1250, and modified the terms in 1251, allowing for the aid to be collected for three years prior to Henry's departure. The papal letter of 1250 to Henry, in which the pope stated his order to the clergy to make the grant, was made in even more explicit and authoritative terms than those of 1226: 'we command that a tenth of all ecclesiastical income of your kingdom be conceded to your highness... giving in our letters orders to our venerable brothers the archbishop of Canterbury and the bishop of Herford, that they have the said tenth made available to you where you will without difficulty or diminution, when it has been collected and you wish to undertake your journey overseas.'

³² *RSO*, 66-7.

³³ *RSO*, 64-5.

Importantly, no room was given for dissent from the English clergy, since 'those objecting were to be compelled through ecclesiastical censure, with appeal postponed.'³⁴

Accounts of ecclesiastical meetings between 1250 and 1252 are rather sketchy but Henry probably summoned some sort of council in March 1251 and again in April 1252 to assent to the aid.³⁵ A papal letter of 16 February 1251 had ordered the archbishops and bishops to allow the aid to be gathered, for three years before the king's departure for the Holy Land, rather than for the original two. As W. E. Lunt suggested, this might well have been an attempt by the pope to compel the bishops to pay the tax.³⁶ Despite this, the clergy were unwilling to comply. If the account of the Abingdon chronicle is to be trusted, the bishops of London, Lincoln and Worcester refused their assent at the 1251 meeting, though their motives are not given. When Henry failed again to obtain consent in 1252 (the composition of the assembly is not clear), he summoned the two provinces to meet separately, eliciting the resolute response from the archbishop of York with which this chapter began. Again, it is clear that papal mandates – even when framed in such unambiguous terms applying the threat of ecclesiastical censure – were regarded by the English clergy as just one element for consideration. The clergy were entitled (indeed, in the view of the suffragans of York, accustomed) to decide such matters for themselves in regnal or provincial council. The tenor of the papal mandates, combined with Henry's summoning of the provinces separately, underscores the fact that the rights asserted by the archbishop of York were not universally accepted.

Although it did not reflect an unambiguous reality, the archbishop's appeal, made through asserting the corporate identity of the English Church, helped to create or renew

³⁴ *'celsitudini tuae decimam omnium ecclesiasticorum proventuum regni tui... pro dictae terrae succursu, duximus usque ad triennium concedendam. Venerabilis fratribus nostris... archiepiscopo Cantuariensi et... epsicopo Herefordensi nostris dantes litteris in mandatis, ut decimam ipsam, cum collecta fuerit, et iter arripere volueris transmarinum, absque difficultate ac diminutione qualibet tibi faciant exhiberi. Contradictores per censuram ecclesiasticam, appellatione postposita, compescendo'* (Foedera, 272).

³⁵ A later compilation of the Abingdon chronicle recounts a meeting at Reading in March 1251, though it does not give any details as to the meeting's composition and extent. Although no summons is recorded, a council must have met shortly before 16 May 1252, when the king wrote to archbishop Boniface (who was probably abroad) telling him that the assembled clergy had met and refused to answer concerning the papal mandate without their archbishop present. Henry asked Boniface to assent to the aid and convince his suffragans to agree to it (C&S, 448-50).

³⁶ W.E. Lunt, *Financial relations of the Papacy with England to 1327* (Cambridge, MA, 1939), 255-6.

ecclesiastical unity. A regnal council was indeed held towards the end of 1252, though the king had little more luck and had to contend with substantial opposition led by Robert Grosseteste. To the doubts of the elect of Winchester, who worried how the English Church could refuse its consent in the face of both royal and papal mandates, and considering that the French Church had granted an aid to its king for a similar purpose, Grosseteste replied that 'it is to be resisted by the fact that the French contributed: "Indeed a pair of acts leads to custom".³⁷ The king was greatly angered by this response but agreed to turn his demand into a request, setting aside the papal mandate. This, importantly, opened the way for a tirade against royal abuses. It is hard to know whether the tone and specifics of the prelates' speech represent the views of all those gathered at the meeting or of Matthew Paris in particular, but if it is broadly representative of events then we might take from it the essentials: there were complaints to be made against Henry's financial exactions on the kingdom in general and intrusions into ecclesiastical liberty in particular.³⁸ The prelates agreed to grant an aid on condition that Henry would keep the Charters, would not assume that the grant was a precedent and that its expenditure would be controlled (Paris states that the prelates were concerned because Henry had thus far shown himself to be prodigal). The king refused and the prelates declined to give their consent to the aid, citing the absence of their archbishops.³⁹

There are several points to take from this exchange. The bishops (it is not clear that representatives of the lower clergy were present) considered themselves well within their rights to withhold their consent to an aid despite stringent papal mandates. The king did not accept this claim happily, but deemed it expedient to allow it in the circumstances. This acknowledgement provided a crucial opener and the clergy leapt on the opportunity to make the granting of an aid conditional on royal concessions, hence the preservation of the Charters, the guarantee of the preservation of their liberty in regards to the granting of taxation and control over the distribution of the collected funds. This attempt failed, but a renewed attempt was made shortly afterwards, in January 1253, this time on much more ambitious terms. At a meeting of the Canterbury province at London on 13 January, a long discussion was held about the concession of an aid. Eventually, the prelates agreed to offer a contribution, though not as much as was asked, and only 'if the king wished to cease from his

³⁷ *CM*, V, 324-26. The only account of this meeting is that of Matthew Paris.

³⁸ *CM*, V, 327.

³⁹ *CM*, V, 327-8.

customary offences and oppressions as he had promised to do many times before now and conceded through the Charter, and consent to the pious counsels of his natural subjects.’⁴⁰ Grosseteste was apparently responsible for drawing up a significant portion of the schedules of complaints: the king dragged clerics before secular courts, compelled bishops through their baronies to force their clerks to appear there, impoverished vacant bishoprics, hindered episcopal visitations by prohibiting laymen from providing oaths and intruded inadequate candidates into benefices imperilling the cure of souls.⁴¹

Although Henry was prepared to pass on the list of grievances to the barons of the exchequer for advice, the latter probably took a dim view of the Church’s jurisdictional claims, as did the magnates who met in the great council in May.⁴² The bishops were not successful in obtaining redress for their grievances in return for the grant of the crusading tenth. Instead, the archbishop of Canterbury, the bishops of Carlisle and Salisbury and the elect of Winchester, on behalf of the other prelates, sent to the king with the aim of inducing him to preserve the liberties of the Church preserved in Magna Carta as he had previously promised, especially concerning elections. The king agreed; at an assembly of bishops, earls, barons, knights, abbots and priors in May 1253 he promised to abide by Magna Carta, the solemn sentence of excommunication against infringers was pronounced and the ecclesiastical tenth was granted in return.⁴³

Since the time of his vow in 1250, it had taken Henry more than three years to secure the funds he needed for his crusade, and much effort. The bishops had agreed to the aid eventually, since ‘it was not their desire that a pious cause be cheated or that the state of the Church and kingdom suffer great loss.’⁴⁴ Their resistance, however, had sent a forceful

⁴⁰ *‘si rex a suis consuetis iniuriis et oppressionibus quibus ecclesiam oppresserat prout multotiens promiserat et per cartam suam concesserat cessare ad huc vellet et piis suorum naturalium consiliis consentire.’* The king *‘favorabiliter respondit’*, inviting the bishops to draw up a list of their complaints, so that *‘ipse omnia emendanda ad plenum emendaret’* (*Chronicle of John of Wallingford*, given in *C&S*, 468).

⁴¹ Burton, 422-5, given in *Councils and Synods*, 469-72.

⁴² Carpenter, ‘Magna Carta 1253’, para. 19.

⁴³ *CM*, V, 373-7; *C&S*, 474-79; Maddicott, *Origins of Parliament*, 469. Further discussion, on the circumstances of the schedule’s compilation and its content can be found in Carpenter, ‘Magna Carta 1253’, paras. 13, 14.

⁴⁴ *‘pia non penitus suo desiderio frauderetur nec ecclesiae vel regni status enorme pateretur detrimentum’* (*CM*, V, 374); Carpenter, ‘Magna Carta 1253’, para. 20.

message to the king: the financial support of the Church could not be taken for granted, even if the cause was a pious one. Moreover, the Church could not be compelled by papal mandate to grant an aid and would only do so if general consent could be achieved in an assembly. Furthermore, the prelates had demonstrated that their grant of an aid was conditional and had been given freely, in the same way that the bishops and magnates had done in 1225 when they had granted an aid in return for the issue of Magna Carta. However, the position of the Church was still far from secure. The reissue of Magna Carta was an achievement but nowhere near on the scale of that for which the bishops had hoped. The clergy had managed to increase their bargaining power with the king but not sufficiently to secure the redress of the ecclesiastical grievances that had been put forward.⁴⁵ Moreover, despite the asserted right of the clergy to provide or withhold consent to taxation of its resources, the Church's obligations remained ambiguous in the eyes of the king.

It was from this unstable position that the clergy confronted what they considered the outrage of the Sicilian Business. Although Henry probably remained firm in his intention to depart for the Holy Land,⁴⁶ his head was turned by the prospect of winning the throne of Sicily for his second son, Edmund, who was granted the throne of Sicily by the pope in 1254 and formally invested with the kingdom in 1255. In return, the king committed to pay the pope 135,541 marks.⁴⁷ Henry never commuted his crusading vow in favour of the Sicilian expedition (despite papal permission for him to do so)⁴⁸ but this was not how the majority of his subjects viewed the situation. This was understandable since, on 15 May 1255, Alexander IV, going further than his predecessor Innocent IV, gave permission to Henry to utilise those funds collected for the Holy Land crusade for the Sicilian venture.⁴⁹ When, in May 1253, the English Church had granted Henry a tenth of clerical incomes, it had been for crusade to the Holy Land.⁵⁰ When a council of the English clergy assembled at the New Temple in January 1256, representatives from the diocese of Coventry and Lichfield complained that 'they are burdened in that they are pressed to pay the tenth against their will, since the reason for the payment which seemed pious at first sight now is not pious, as it seems to them, since it has

⁴⁵ Carpenter, 'Magna Carta 1253', para. 15.

⁴⁶ S. Lloyd, 'King Henry III, the Crusade and the Mediterranean', in M. Jones and M. Vale (eds.), *England and her Neighbours 1066-1453: Essays in Honour of Pierre Chaplais* (London, 1989), 97-119, at 97-101.

⁴⁷ Lunt, *Financial Relations*, 266.

⁴⁸ Lloyd, 'Henry III, the Crusade', 113.

⁴⁹ Lunt, *Financial Relations*, 263, 265.

⁵⁰ C&S, 474-79.

been changed.⁵¹ There were many reasons why the English clergy regarded the Sicilian project with disdain.⁵² Essentially, of course, they had never consented to it. Moreover, the clergy, as stewards of the Church's inheritance, were bound to channel Church funds for pious uses (specifically the support of the poor) and to convert them to such a use as Henry's Sicilian expedition would be illegal and offensive to God.⁵³ If this were not enough, there were many practical obstacles:

‘the whole of the kingdom of England would not suffice for such a burden, even if earth would be made into gold, especially since that kingdom of Sicily is unconquerable and as good as inaccessible to an army composed of our men. And if we had mercenary knights and paid soldiers from that land, the value of their loyalty would be in doubt, because of their long familiarity with Frederick and his men.’⁵⁴

Moreover, if an English army were to depart for Sicily, England would be left vulnerable to attack from her neighbours, especially the Welsh, and both kingdoms would be lost. Clearly, ‘such a sum of money is spent uselessly and clearly wasted, just as is obviously apparent and well known.’⁵⁵

The situation worsened for the prelates when a papal bull of 9 April 1255 not only reinforced the grant of the tenth for three years but also gave permission for the tenth to be collected for a further two years.⁵⁶ When two councils, of the magnates and prelates, were summoned to meet concurrently in October 1255 to consider the king's request for further aid, the clergy were not in a strong position to act on their profound misgivings. The magnates were able to respond to the summons by saying that they would not be meeting, as all of the barons had not been summoned to the council in the proper form according to Magna Carta.⁵⁷ As Powicke and Cheney saw it, ‘the prelates, on their part, were powerless to reject the papal mandates; but they avoided immediate compliance’.⁵⁸ As is clear from the earlier instances,

⁵¹ ‘*gravati sunt in eo quod decimam eandem adhuc nituntur extorquere ab eisdem invitis, cum causa solutionis que prima facie pia videbatur iam in non piam, ut eis videtur, sit mutata*’ (C&S, 508).

⁵² The following reasons for the inadvisability of the Sicilian venture are recorded by the Burton annalist as ‘*Rationes episcoporum et cleri contra petitionem domini regis*’ put forward at a council of the English clergy at London in March to May 1257 (Burton, 90-1; C&S, 526-27).

⁵³ Burton, 391; C&S, 526.

⁵⁴ ‘*ad tantum onus non sufficit totum regnum Anglie, etiam si de luto fabricaretur aurum, precipue cum illud regnum Cicilie sit inexpugnabile et cum exercitu de nostris quasi inaccessible. Et si milites haberemus stipendiarios et conductitios de terra illa, de fide ipsorum posset merito dubitari, propter familiaritatem cum Frederico et suis diu contractam*’ (Burton, 391; C&S, 526-7).

⁵⁵ ‘*tanta summa pecunie inutiliter est expensa et expresse perdita, sicut apparet evidenter et notorium est*’ (Burton, 390-1; C&S, 526).

⁵⁶ Lunt, *Financial Relations*, 266.

⁵⁷ CM, V, 520-21; Maddicott, *Origins of Parliament*, 198-99; C&S, 501-02.

⁵⁸ C&S, 502.

however, the prelates were quite ready to disregard papal mandates, or at least to regard them more as recommendations. What was not so clear was whether the king was under any obligation to summon the prelates to an assembly according to a specific form, as he was in the case of the lay barons, and whether there were any circumstances under which the prelates could refuse to respond to the summons. Unlike the magnates, the prelates could not escape royal requests so easily.

According to the dramatic account of Matthew Paris, the bishops who met at the council, led by the bishops of London and Worcester, on hearing the demands of the papal nuncio, Rostand, proclaimed their intention to follow in the footsteps of Thomas Becket, dying for the liberty of the Church, before they would allow the Church to be subjected to such great burdens.⁵⁹ In reality, their path was far from clear. As Paris describes it, the English clergy were trapped in a pincer movement with the king on one side and the pope on the other.⁶⁰ Accounts, though, of the next ecclesiastical council, held in January 1256, show that the English clergy were determined to defend themselves against this dual attack. It seems likely that they responded by summoning 'a more thoroughly representative ecclesiastical council than had ever been assembled in England'.⁶¹ Not only bishops, abbots and priors were to attend but also deans of cathedral churches along with representative canons, as well as archdeacons who were to bring with them three or four representatives from their archdeaconries who were to be provided with a full mandate from their fellows.⁶² It seems that the purpose of the broad summons was firstly to continue the broad base of discussion that had evidently taken place in the localities, from which the grievances discussed at the council were drawn.⁶³ Secondly, a display of wide opposition and a united front probably

⁵⁹ *CM*, V, 525-6; *C&S*, 502-03. It might well be that Paris' account is accurate – the subsequent schedules drawn up by the clergy, preserved in various places, testify to the strength of feeling that the Sicilian tax aroused – although Paris is the only source to make a direct comparison between Becket and the actions of the English prelates in the 1250s.

⁶⁰ *CM*, V, 526; *C&S*, 503.

⁶¹ *C&S*, 504.

⁶² *C&S*, 504.

⁶³ Powicke and Cheney suggest that local meetings had taken place as preliminaries to the council (*C&S*, 504).

seemed the best defence against royal demands and provided the greatest chance of influencing papal opinion.⁶⁴

The dual focus of the two schedules of complaints that survive for this council, preserved in the Burton annals, are similar to the further schedules that were to be put forward over the next two and a half years. The clergy complained firstly about the Sicilian business, listing the various reasons why they considered it illegitimate and pointing out that the aid necessary for its completion was extremely burdensome. Secondly they put forward complaints about royal and general lay infringement on ecclesiastical liberties, particularly that innocent clerics were being punished by the king's forest officials (and received harsher penalties even than laymen legitimately convicted), while bishops were compelled through their baronies to bring clerks before secular courts.⁶⁵ The complaints set out at a meeting of the province of Canterbury in August 1257 were more extensive.⁶⁶ These included the wasting of ecclesiastical resources during vacancies, the royal interference in elections and excommunications, lack of co-operation from the lay power in enforcing excommunications, the lay power's lack of respect for benefit of clergy, the violations of sanctuary by those pursuing criminals, the king's interference in the execution of wills, the king and other magnates unreasonably compelling ecclesiastics to do suit at their courts, and the demand that churchmen present proof of their liberties made by 'express mention' in their charters.⁶⁷

Only two complaints about royal treatment of the Church related to novel exactions: that the king forbade laymen from making oaths to their bishops during diocesan visitations (in echo of Grosseteste's protest)⁶⁸ and that the king had begun to demand that ecclesiastics exhibit 'express mention' in charters of liberties to which they laid claim, even if in practice they had been enjoying such liberties for many years.⁶⁹ This latter complaint had indeed hurt the Church – more than the lay magnates – and it could justifiably be claimed that the 'express

⁶⁴ Representatives were sent to Rome with demands that the king keep Magna Carta and King John's charter for the English Church. It seems likely that they were also charged with putting the English Church's case more generally to the pope (*CM*, V, 540; *C&S*, 506).

⁶⁵ *Burton*, 360-3; *C&S*, 506-09.

⁶⁶ *CM*, VI, 353-65; *C&S*, 539-48.

⁶⁷ *CM*, VI, 353-65; *C&S*, 539-48.

⁶⁸ *CM*, VI, 355; *C&S*, 541, no. 9. Grosseteste had complained about this in his schedule of January 1253 (*Burton*, 423; *C&S*, 470, cap. 8).

⁶⁹ *CM*, VI, 363-5; *C&S*, 547-8, nos. 48, 49.

mention' demands went against custom.⁷⁰ It is striking, though, that this complaint forms such a small proportion of the schedules. Most of the clerical complaints put to the king between 1255 and 1258, as too those in the earlier 1250s, went back generations. Although Matthew Paris, in his analysis of the complaints set out in 1257, asserts that the Church 'is burdened by new oppressions and burdensome and intolerable customs in modern times'⁷¹ he also believed that the complaints 'were similar to those for which the blessed martyr Thomas archbishop of Canterbury fought.'⁷² Both the general complaint about royal infringements on ecclesiastical jurisdiction and specific protests about clerks being brought before secular courts did indeed have the air of Becket about them. If Paris was reflecting a widely-held perception, then to some extent this showed how the episcopate in the thirteenth century might have channelled the influence of Becket in formulating their grievances. What it highlights, however, was how little had changed in royal attitudes to ecclesiastical liberties in the past century. There could be little grounds for claiming that Henry III was worse than or even as bad as his father and grandfather, or in fact any of his predecessors, in his treatment of the Church. Henry's Sicilian ambitions had potentially given rise to a tax of epic proportions and questionable morality but – at least from an objective viewpoint – this paled in comparison to the interdict of John's reign or the murder of an archbishop. In the main, it was not the complaints themselves that had changed but the means by which the clergy expressed them and the use to which they put them, or at least attempted to put them. They became a tool for negotiations with the king, a bargaining chip, whereby the clergy were determined to reserve the granting of aid on the condition that their grievances be redressed. This is shown most explicitly in the Church's offer to the king of £52,000 in the spring of 1257. The grant was to be conditional on two points: the Church should be rid of all further taxation for the Sicilian venture and the king should provide redress for the Church's complaints.⁷³ The

⁷⁰ Clanchy, 'Did Henry III have a policy?', 209-10; Carpenter, 'King, Magnates and Society', 85-6.

⁷¹ '*novis oppressionibus modernis annis solito gravioribus et intolerabilioribus [opprimitur]*' (CM, V, 632; C&S, 529).

⁷² '*similia fuerunt illis pro quibus beatus Thomas archiepiscopus Cantuariensis martir dimicavit*' (CM, V, 638; C&S, 530).

⁷³ Between 21 August and 2 September 1256, the pope had responded to the king's request for license to gather further aid from the clergy with new provisions for the collection of the tenth and a raft of new taxes, including license to take the fruits of long-vacant benefices, the fruits of the benefices of non-residents and the part of the property of intestates reserved for spiritual purposes (Lunt, *Financial relations*, 274-6); Lunt, *Financial Relations*, 277.

grievances were then being drawn up in the form of the fifty articles preserved in Paris's *Liber additamentorum*.⁷⁴

The accounts of the meeting held in August of the same year, in which the senior clergy of Canterbury met to decide what was to be done for the best, shows how it was not the complaints themselves but the context of their production that was important. As the agenda presented by Boniface and the recorded response, possibly by the monastic prelates, shows, the prelates discussed together in council what tactics to adopt: how to present the grievances, and whether to approach the king and the pope now or later to seek redress. The prelates also decided to discuss their grievances in order to decide which could not be ignored without danger to souls and, thus, began a collective and concerted effort of whittling-down.⁷⁵ Like the earlier schedules, by nature these were the result of discussions held among varyingly large numbers of representatives, at times of only the greater, at others of the greater and lesser, clergy. Regular meetings in which common concerns were shared had forged the senior clergy into a genuine corporate unit.

Conclusions

The content of the bishops' *gravamina* – the royal treatment of the Church – was an important part of the bishops' mental landscape. The fact that complaints about lay encroachment on ecclesiastical jurisdiction were discussed regularly at meetings of senior prelates helped to fashion the identity of that group. The sense of struggling righteously against royal oppression also harmonised with pre-existing aspects of episcopal identity, namely the corporate pride taken in the actions of their sainted predecessor, Thomas Becket. Yet there is much more to be gleaned about episcopal culture than the sense of grievance derived from the *gravamina*, particularly the degree of ecclesiastical unity and the degree to which that unity was self-conscious, contrived and proclaimed by episcopal protagonists. Only this sort of corporate identity could produce such schedules of complaint and allow the episcopate to organise itself in response to royal demands. The ecclesiastical meetings of these years also reveal the *modus operandi* of the English bishops when threatened by royal demands. They sought to pursue a process of negotiation, bargaining their way into a stronger

⁷⁴ *CM*, V, 637-8; *CM*, IV, 353-65; *C&S*, 529, 539-48.

⁷⁵ *Burton*, 402-05; *C&S*, 532-39.

position by stressing the need for the consent of the lower clergy and the importance of assembling the clergy of both provinces, as well as counter-demanding redress for their grievances when confronted with requests for aid. This sort of strategy, aligned with the mechanism by which lay taxation was granted in return for Magna Carta, compared neither in means or ends with the sort of action taken by the reformers in 1258.

Chapter three

Episcopal Unity and Royal Power: England and Iberia in the thirteenth century

In 1256, Henry III contemplated the marriage of his daughter, Beatrice, to Emmanuel of Castile. The match was pooh-poohed, however, by Richard of Cornwall, who deemed the marriage 'most unfitting', since in Castile Beatrice's husband could be deprived of his lands 'by the sole will and pleasure of the prince.'¹ For a short time, between 1232 and 1234, under the malign influence of Peter des Roches, Henry III had himself deprived several subjects of their lands *per voluntatem regis*.² Henry had not been permitted to pursue this policy for long. His actions provoked concerted opposition from the magnates and prelates, precipitating the rebellion of Richard Marshal and forcing the hand of Edmund of Abingdon, archbishop of Canterbury, and his suffragans. Approaching the king in full view of the assembly at Westminster in 1234, Edmund chastised the king for the ill-treatment of his barons, prompting a remorseful Henry to renounce his illegal actions and right the wrongs he had inflicted on his subjects. Richard of Cornwall's warning is a comment on the perceived differences between royal power in Castile and England. It also, though, reveals much about the episcopates of the respective kingdoms. Was there no Edmund of Abingdon in Toledo to set Alfonso straight? There was not, nor was there any to be found in the other kingdoms of the peninsula. The reasons why illuminate the unusual scope of episcopal power in England and help to explain how such power arose.

¹ *'De maritagio filie nostre consulit idem comes ut per nuncios eosdem sub omni verborum cautela respondeatur, et super hoc dicere poterunt iidem nuncii quod, cum de terris quas dictus rex Castell' dederit vel daturus sit domino Emanueli, fratri suo, nullam noticiam habeamus, et ex altera parte in terra et potestate ipsius regis nullus ut dicitur jus sibi vindicare potest in suis tenuris, nisi ad voluntatem dicti regis, et indecentissimum haberetur filiam nostram alicui maritare viventi, nisi homini amplas et convenientes terras et possessiones habenti, et qui a suis terris et possessionibus pro voluntate sola et libito sui principis non posset destitui'* (CR 1254-6, 389-90; Carpenter, 'King, Magnates and Society', 80).

² Carpenter, 'Justice and Jurisdiction', 38-39.

The place of Iberia in Latin Christendom

It might be thought that the Iberian peninsula would share some broad ideas about kingship and episcopal power with England, since both can be incorporated into the 'Latinisation' model set out by Robert Bartlett in *The Making of Europe*. Measured by the spread of bishoprics, the expansion of Latin Christendom through the 'reconquest' of the Iberian peninsula is certainly clear. From a point in the tenth century when they could only be found in the Christian foothold of the northern regions, bishoprics spread southward in the eleventh and twelfth century in the wake of the reconquest. With the victories of Ferdinand III of Castile (1217-52) and James the Conqueror of Aragon (1213-76), sees were created in the southern and eastern regions of the peninsula, stopping short only at the Muslim kingdom of Granada. The result was 'quite a dense network' of sees – fifty-one by 1300, on average about 1.4 times the average size of those in England.³ However, these facts obscure a more complex picture, and not a happy one for the Iberian churches. In Castile, in particular, the financial demands of the reconquering kings had left the Castilian bishops on the edge of bankruptcy.⁴ New bishoprics in the south struggled to support themselves due to the dire economic situation created by the speed and structural imbalance of the reconquest; between Las Navas, in 1212, and the capture of Seville, in 1248, Christian territory had increased by fifty per cent but the population by only ten per cent, leaving much of the land with a shortage of labour.⁵ Moreover, the papacy permitted – or at least was unable to prevent – Castilian kings taking huge liberties with ecclesiastical rights and property. As leaders of the reconquest, kings felt entitled to interfere openly in elections, to use ecclesiastical benefices to endow their *infantes* and to extract the *tercias* (the third of the tithe reserved for the fabric of churches) as if it were a normal part of royal income.⁶ Moreover, few of those bishops who had footed the bill were granted land from the reconquered areas, meaning they could not recoup their investment. In short, 'they had been the victims of an enormous confidence-trick.'⁷ The new bishoprics created after the conquest of Seville were awarded to servants of the royal court who spent almost no time in their sees.⁸ The reconquest might have added to the glory of the Iberian kings but it only weakened the peninsula's churches. Although they

³ R. Bartlett, *The Making of Europe* (1993), 11-13.

⁴ P. A. Linehan, 'The Gravamina of the Castilian Church in 1262-3', *EHR* 85 (1970), 730-54.

⁵ P. A. Linehan, *The Spanish Church and the Papacy in the Thirteenth Century* (Cambridge, 1971), 101-27, esp. 106.

⁶ Linehan, *Spanish Church*, 108-112. The *tercias* had been granted to Fernando III by Innocent IV in 1247 to aid the Seville campaign.

⁷ Linehan, *Spanish Church*, 113-16.

⁸ Linehan, *Spanish Church*, 113-14, 17.

now covered a wider territory, they were largely choked by the grasp of their demanding kings.

Even so, contact between the papacy and the peninsula meant that the sharing of ideas about royal and episcopal power might be possible. The degree of papal interest in the peninsula is demonstrated by the registration of over 400 letters relating to Iberia in Innocent III's registers.⁹ In return, a substantial contingent of Iberian bishops attended the Fourth Lateran Council (six from Braga, six from Compostela, five from Toledo and six from Tarragona).¹⁰ At the Council of Lyons in 1245, bishops from the peninsula made up the largest group. Meanwhile, Alfonso Henriques of Portugal (1128-85) and Pedro II of Aragon had looked to the papacy as a source of royal power, offering their kingdoms as papal fiefs in return for confirmation of their titles. For Stephen Lay, this appeal for papal approval shows how much Portugal was part of the Bartlett model, by which 'as a result of this increased communication there gradually emerged among European and Iberian Christians a sense of commonality, of an identity based on shared faith and through it a shared culture.'¹¹

However, there were many variables in the relationship between royal, episcopal and papal power that resulted in real differences between England and the Iberian peninsula. Firstly, the two regions did not experience as similar a relationship with the thirteenth-century papacy as first appears. At twenty-two, Iberian episcopal attendance at the IV Lateran Council might seem high but in reality this represented only about half of the forty-one sees in existence by 1200. Archbishop Sparago of Tarragona (1215-33) did not attend, whilst Archbishop Rodrigo of Toledo did so only in order to pursue his cherished dream of Toledan primacy.¹² Neither showed any interest in disseminating the decrees of the council on their return.¹³ The involvement of English bishops in the Fourth Lateran Council began inauspiciously following the unrest of 1215. Stephen Langton, archbishop of Canterbury, was suspended from office on papal orders before he could depart, meaning that his role at the council was limited.¹⁴ Nine English bishops attended the Council, about half of the total

⁹ Bartlett, *Making of Europe*, 249.

¹⁰ *Atlas of Medieval Europe*, ed. D. Ditchburn, S. Maclean and A. Mackay (2nd ed., London, 2007), 175.

¹¹ S. Lay, *The Reconquest Kings of Portugal: Political and Cultural Reorientation on the Medieval Frontier* (Basingstoke, 2009), 3-4.

¹² P. A. Linehan, *History and the Historians of Medieval Spain* (Oxford, 1993), 278.

¹³ T. N. Bisson, *The Medieval Crown of Aragon: A Short History* (Oxford, 1986), 73.

¹⁴ Vincent 'Stephen Langton', at 65.

episcopate, the relatively small number due to the fact that three sees were vacant and four bishops remained in England.¹⁵ Yet, the enthusiastic dissemination of the Council's decrees was a marked feature of English episcopal culture in the thirteenth century, as returning bishops issued their own diocesan statutes from which their successors borrowed.¹⁶ The absence of such activity in the Iberian peninsula has obvious implications for clerical reform and the promotion of pastoral care, but it also helped to set the Iberian episcopates along a very different path to that of their English counterparts in the role they would play in regnal politics. The pivotal difference between the two groups was the holding of ecclesiastical councils. In England, ecclesiastical assemblies at regnal, provincial and diocesan levels were a common feature and forged an English episcopate with a collective identity and interest. The regularity of provincial and regnal assemblies in particular created an episcopate ready and willing to take part in regnal affairs. In the Iberian peninsula this was just not the case.

Provincial and regnal organisation: leadership and unity

There was a fundamental difference between ecclesiastical organisation in England and the Iberian peninsula: in the latter, provincial boundaries were not coterminous with regnal ones. In England, the clergy of the provinces of York and Canterbury could identify their interests with those of the kingdom. In the peninsula matters were far more complicated, a result of the reconquest and a deliberate reorganisation by Innocent III. Innocent aimed to create a supra-regnal episcopate which, un beholden to regnal divisions, could unite secular leaders in pursuit of the crusade.¹⁷ The province of Tarragona, resurrected by pope Anastasius IV in 1154, already reached across the entire north-east corner of the peninsula, bringing the bishops of Catalonia and Aragon (regions formally united as the Crown of Aragon in 1137), the kingdom of Navarre and (after the conquests of James I in the 1230s) Valencia, under the

¹⁵ The bishops who went to Rome were: Stephen Langton (archbishop of Canterbury), Benedict of Sawston (Rochester), Hugh of Wells (Lincoln), William of Cornhill (Coventry), Simon of Apulia (Exeter), Richard Poore (Chichester), Walter Gray (Worcester), Robert of York (elect of Ely), Pandulf (elect of Norwich); the vacant sees were Carlisle, Durham and Hereford; the bishops of Bath, London, Salisbury and Winchester did not attend (*C&S*, 48).

¹⁶ See, for instance, the statutes of Richard Poore of Salisbury issued 1219x1228 (reissued 1228x1236 after his translation to Durham) (*C&S*, 57-96); Langton's provincial statutes of 1222 (*C&S*, 100-25); 'Synodal statutes of an English diocese' 1222x1225 (*C&S*, 139-54); Langton's synodal statutes of 1222x1228 (*C&S*, 165-67) and the numerous other diocesan statutes contained in *C&S*. For discussion, see C.R. Cheney, 'The Earliest English Diocesan Statutes', *EHR* 75 (1960), 1-29.

¹⁷ Lay, *Reconquest Kings*, 190-92.

authority of the Catalan archbishopric.¹⁸ To the south-west of Tarragona, the extensive province of Toledo dominated the Castilian heartland, incorporating the southern regions that had been won from the Muslims at Las Navas de Tolosa in 1212 and Cordoba in 1236, before terminating abruptly at the Muslim kingdom of Granada at its southern borders. To the north of Toledo the diocese of Burgos, clinging to the central north coast, resided in the territory of the king of Castile but remained exempt from the metropolitan authority of Toledo, answering only to Rome. So too did its neighbours to the west, Oviedo and León, covering the eastern half of the kingdom of León that had been united with Castile in 1230. Santiago de Compostela was, like Toledo, an archiepiscopal see, though fractured by Innocent III's reorganisations; her heartland huddled in the north-west corner of the peninsula, girt by the Atlantic to the north and west and the Province of Braga to the east and south, separated from the body of her province by hundreds of kilometres. The provinces of Braga and Santiago represented the most dramatic results of Innocent's work; whilst the borders of the peninsula's western kingdoms ran north to south, their boundaries now ran along a south-west to north-east axis. The archbishop of Braga retained jurisdiction over a north-western shard of Portugal but his authority now reached up through the kingdom of León as far as the coast. He had lost, though, vast swathes of the Portuguese kingdom, which Innocent had declared part of the province of Santiago. The suffragan sees of the 'Leónese' province of Santiago now sprawled across the three kingdoms, at least until the combination of León and Castile in 1230. To the south, the archiepiscopal province of Seville curled around the south west coast of the peninsula, incorporating the southern tip of Portugal and pushing confidently into Andalucia up to the borders of Granada. Finally, the diocese of Cartagena sat on the Murcian south-east coast between Granada and the province of Tarragona, exempt from metropolitan authority, while the see of Palma on the island of Mallorca, the result of James I's conquest of the island in 1229, also answered directly to Rome.

Innocent's Iberian policy, combined with the piecemeal extension of the crusading kingdoms, had resulted in a configuration of provincial territories that bore not even a passing resemblance to a map of the peninsula's political regions. Before 1199, the kingdom of Castile could be identified with the province of Toledo, Tarragona with Aragon, León with

¹⁸ The recreation of Tarragona along the lines of the Visigothic province in 1154 did help to give coherence to the territories of the count of Barcelona and severed the region from the ecclesiastical scope of the Narbonensis, contributing to the formation of the crown of Aragon (P. A. Linehan, *Spain, 1157-1300: A Partible Inheritance* (Oxford, 2008), 15).

Compostela, Portugal with Braga. Now, only Castile retained some semblance of a 'regnal' episcopate. This had been Innocent's objective, the hope being that the reorganisation would lessen the hold of kings on episcopates and also encourage bishops to act in the interest of the peninsula as a whole. The result, however, was that while Iberian kings – particularly the king of Castile – kept the bishops within their kingdom under their hand, those bishops were not encouraged to meet and consider regnal issues collectively. The one potential exception was the province of Toledo, whose archbishop alone remained capable of convening provincial assemblies to consider regnal issues in the manner of his Visigothic forebears and his counterparts in England.¹⁹

The archbishop of Toledo, however, was not in a strong position to take a leading role in the fate of the kingdom or to create a strong position for his episcopate in relation to royal power. Firstly, a long-standing wrangle over the primacy of Spain staggered on well in to the thirteenth century. Rodrigo of Toledo (1209-47) devoted much of his time and energy to cultivating the claims of his province to Iberian primacy, only to be thwarted by Innocent III who, as part of his policy of creating a supra-regnal episcopate, was unwilling to allow any prelate too much personal authority within the peninsula.²⁰ As Peter Linehan points out, the sort of squabbles that had marked the contest between York and Canterbury in the twelfth century were still alive in Castile far into the thirteenth, where 'peripatetic archbishops, wherever they went, left a trail of *cruz alzada* [raised cross] disputes behind them'. This left the archbishop of Toledo and his fellow archbishops in a weakened position in relation to the king. The long-standing squabble that in 1260 brought the archbishops of Toledo and Seville toe to toe before the Cortes of Seville only 'served to increase ecclesiastical divisions on the eve of a great political assembly and thereby assisted the king to divide the bishops and rule the Church.'²¹ By the thirteenth century, the provinces of York and Canterbury had long put their differences behind them and moved on to self-confident displays of episcopal unity in the face of royal demands. In 1252, as we saw in the previous chapter, Henry III had been struggling to obtain consent from the clergy for an aid to support his proposed crusade and

¹⁹ For the historic role of the province of Toledo as a 'regnal' episcopate, see Nelson, 'National Synods', 46-7.

²⁰ Linehan, *History and the Historians*, chapter 9: 'Aspects of the Twelfth Century, II', 268-312; Lay, *Reconquest Kings*, 192.

²¹ P. A. Linehan, 'Ecclesiastics and the Cortes of Castile and León' in *Las Cortes de Castilla y León en la Edad Media: actas de la primera etapa del Congreso científico sobre la historia de las Cortes de Castilla y León* (Valladolid, 1988), vol. II, 99-141, reprinted in P. A. Linehan, *Past and Present in Medieval Spain* (Aldershot, 1992), III, 126.

so, chancing his hand with a ploy of 'divide and conquer', had summoned the provinces to meet separately. The archbishop of York and his suffragans were having none of it and made clear to the king the reasons why:

'since the aforesaid business touches the whole English Church, and in such shared enterprises it is customary to hold discussion between the clergy of both provinces, namely of York and Canterbury, before a certain response is given, they do not believe that it is right or fitting to cease doing things in this way; and therefore with such a discussion omitted they delay their response; when such a discussion has been held, they will respond, as they assert, according to what God has given to them, with the utility of the Church, yourself, and our kingdom having been considered communally.'²²

The contrast between the self-conscious, assertive supra-provincial unity of the English bishops and the fractious bickering of the Iberian metropolitans could not be more striking, nor could the resulting disparity in the bargaining power of the episcopates with their respective kings.

Meetings of Councils and Synods and *episcopalis unanimitas*

As the manoeuvres of the archbishop of York in 1252 suggested, English episcopal unity had been forged over many years in the meetings of councils and synods.²³ This was not a recent phenomenon. Janet Nelson has described its importance in the politics of early medieval Europe; it was what Hincmar had called '*episcopalis unanimitas*'.²⁴ The holding of regular 'regnal' ecclesiastical councils forged a collective episcopal identity, since:

'by their very existence, they provided a definite organization for the whole episcopal group... Repeated meetings over time, collective action, and the articulation of common concerns fostered a conscious solidarity on the part of the bishops, and a sense of responsibility for the leadership of their whole society within the wider Church of Christendom.'²⁵

In the thirteenth century, the holding of regular synods was, in England at least, spurred by the Fourth Lateran Council of 1215, canon six of which decreed that provincial councils should be convened annually by archbishops in order 'to consider diligently and in the fear of God the correction of excesses and the reform of morals, especially in the clergy, reciting the canonical rules (particularly those laid down by the present general council) to secure their

²² '*cum dictum negotium totam tangat ecclesiam Anglicanam, ac in talibus communis inter clerum utriusque provincie, Eboracensis videlicet et Cantuariensis, consueverit tractatus haberi antequam certum daretur responsum, a modo illo recedere non credunt esse congruum vel honestum; et ideo pretermisso tali tractatu differunt respondere, quo habito, respondebunt, ut asserunt, secundum quod dederit eis deus, ecclesie, vestris, et regni nostri utilitatibus communiter ponderatis*' (C&S, 450).

²³ See chapter on Meetings of English clergy.

²⁴ Nelson, 'National Synods', 47.

²⁵ Nelson, 'National Synods', 43-44.

observance, inflicting on transgressors the punishment due'.²⁶ The councils envisaged by the IV Lateran Council might look different from those early medieval regnal assemblies described by Nelson, being convened by archbishops rather than kings and in order to consider ecclesiastical reform rather than regnal issues. In England, though, regular provincial councils functioned in complement to regular regnal assemblies in drawing together significant numbers of senior clergy. Moreover, in reality there was often no clear distinction. A provincial meeting still had the potential to take on regnal characteristics, especially when convened by the primate of the kingdom. In England, for instance, Archbishop Langton convened the province of Canterbury in 1222 at a time of regnal unrest; although the canons of the Fourth Lateran Council were indeed promulgated, the second canon applied ecclesiastical censure to ensure 'the peace and tranquillity of the lord king and the kingdom'.²⁷ Conversely, councils of the clergy convened by the king to discuss the granting of tax could quickly be turned into discussions about threats to ecclesiastical liberty, as the numerous schedules of complaint penned during the English meetings of the 1250s showed. What mattered for the forging of episcopal identity was the fact of meeting and meeting regularly on a significant scale, under strong archiepiscopal leadership.²⁸

In Toledo, however, the regular assembly of clergy under the leadership of the archbishop was totally lacking. The blame for this deficiency, in the opinion of Peter Linehan, lay indubitably with archbishop Rodrigo Ximénez de Rada (1208-47). Since his archiepiscopate stretched across thirty-nine years, his apparent failure to hold a single provincial council set a powerful precedent for archiepiscopal inactivity. Despite the haranguing he received from both Honorius III and Gregory IX for his failure to implement the Lateran decrees, as well as the concerted efforts of John of Abbeville, sent as legate in 1228 to spur Iberian churchmen into action, Rodrigo remained apathetic, consumed by his campaign for Toledan primacy and hamstrung by his 'tendency to kowtow to the King'.²⁹

If a tradition of regular provincial meetings had not been established by the time of archbishop Rodrigo's death in 1247, its genesis was unlikely to come any time in the next

²⁶ *EHD*, 648.

²⁷ *C&S*, 106-07.

²⁸ Nelson, 'National Synods', 45-6.

²⁹ The failure of archbishop Rodrigo is a theme of Linehan, *Spanish Church*, chapters 1-3 *in extenso*; P. A. Linehan, 'Councils and Synods in Thirteenth-Century Castile and Aragon', *Studies in Church History* 7, ed. G. J. Cuming and D. Baker (Cambridge, 1971), 101-11, at 106-07.

thirty years. Alfonso X, who succeeded to the throne of León-Castile in 1252, clearly did not intend that any sort of ecclesiastical unity should develop, lest it be turned against him. So much became clear in 1279, when pope Nicholas III, free to take action against Alfonso following the demise of the king's imperial claims, dispatched bishop Pietro of Rieti as legate to Castile in order to confront the king with the accusations of certain Leónese and Castilian prelates.³⁰ The episcopal *gravamina* criticised the king for various infringements of ecclesiastical liberty and complained that:

‘prelates and chapters of the his land are not free to meet and discuss the aforesaid matters or any other grievances which afflict them and other ecclesiastical persons and have done for some time, nor are they free to leave the kingdom or to take money outside the kingdom for the various necessities that occur’³¹

The behaviour of the Toledan clergy during the earlier half of Alfonso's reign would seem to support this accusation. Some episcopal meetings were held, although evidence is patchy,³² but bishops were careful to tiptoe around royal rights and power. In January 1257, Archbishop Sancho I of Toledo convened a council at Alcalá de Henares. Only one decree survives, proclaiming an intention to convene councils twice yearly thereafter, yet ‘saving the right and dominion of the lord king’. There is no evidence that the aim of holding biannual councils was every fulfilled. Royal rights were similarly untouched by the enactments of a council held at Burgos in 1261. Some complaint was made against the king's seizure of ecclesiastical property during vacancies, when archbishop Sancho II convened his suffragans at Brihuega six years later. No action was taken against the king, however; although sentence of excommunication was invoked, the bishops were careful that the king should not feel threatened. In any case, Alfonso had received an assurance from Pope Alexander IV in 1259

³⁰ These complaints were not led by the archbishop of Toledo, since the see had been vacant since 1275. The complaints were submitted by archbishop Gonzalo García of Compostela (who had been in exile since Alfonso had taken a dim view of his appointment by Gregory X in 1272) and bishop Martín Fernández of León (also in exile since a dispute with Alfonso): P. Linehan, ‘The Spanish Church Revisited: the Episcopal *Gravamina* of 1279’, in B. Tierney and P. A. Linehan (eds.), *Authority and Power. Studies on Medieval Law and Government Presented to Walter Ullman on his Seventieth Birthday*, (Cambridge, 1980), 127-47, at 132; Linehan, *Spanish Church*, 140. For the complaints of the archbishop of Compostela and the bishop of León against the king's treatment of the Church, see: Linehan, ‘Episcopal *Gravamina* 1279’, 141-47.

³¹ ‘*prelatis et capitulis terre sue non est liberum convenire ut tractarent de premissis at aliis gravaminibus quae ipsis et aliis personis ecclesiasticis pro tempore inferuntur, nec exire extra regnum vel extrahere inde pecuniam pro necessitatibus variis que occurrunt etiam de bonis ecclesiasticis acquisitam libere permittuntur*’ (Linehan, ‘Episcopal *Gravamina* 1279’, 146).

³² The following evidence of episcopal councils in the early years of Alfonso's reign is drawn from J. F. O’Callaghan, *The Learned King: The Reign of Alfonso X of Castile* (Philadelphia, 1993), 53.

that he and his family could be excommunicated by nobody save the pope himself.³³ Three meetings – of the province of Santiago and the dioceses of Zamora and León respectively – were convened in the 1260s for the purpose of implementing ecclesiastical reform, though they did not touch on royal rights.³⁴ As Joseph O’Callaghan argues, there was not as comprehensive a ‘blackout’ of episcopal activity as Linehan suggests, since ‘at least in the first half of the reign a few bishops tried to effect reform by summoning councils.’³⁵ Yet the sporadic nature of this activity and the timidity of episcopal decrees regarding royal policy testify that, even in the earlier years of Alfonso’s reign, the bishops were certainly not a united force and acted in fear of royal rancour.

Alfonso’s behaviour in the later years of his reign served to justify episcopal fears and confirm the allegation made to the pope in 1279 about the king’s aggressive stance against the convening of ecclesiastical assemblies. In 1272, at the Cortes of Burgos, the nobility had formed a concerted opposition against the king to complain about his excessive demands for taxation. When the prelates present took the opportunity to voice their complaints, Alfonso became so angry that he threatened to expel all of the bishops from the kingdom. His hand was only stilled by the fear of losing papal support for his imperial ambitions.³⁶ The king’s aggressive stance goes a long way to explaining the lack of ecclesiastical assemblies in Toledo – and perhaps other regions under Alfonso’s heavy hand – in the generation that followed archbishop Rodrigo. After Alfonso’s death the Iberian prelates made little headway in uniting to strengthen their position. Archbishop Rodrigo of Compostela and fourteen bishops of León and Galicia met at Salamanca in 1310, to form a *hermandad* in defence of ecclesiastical liberty, reaffirmed the next year.³⁷ These, however, were cowed bishops, careful to state emphatically that their meeting would not result in the use of ecclesiastical sanctions against the royal

³³ O’Callaghan, *Learned King*, 56-7.

³⁴ By Archbishop Juan Arias of Santiago sometime between 1259 and 1267; the date of the council held by Bishop Suero Pérez of Zamora at Toro is unknown; Bishop Martín Fernández of León held a council at León either in October 1262 or May 1267, at which sixty-seven decrees were promulgated (O’Callaghan, *Learned King*, 53).

³⁵ O’Callaghan, *Learned King*, 53.

³⁶ *Crónica del Rey don Alfonso X*, given in J. F. O’Callaghan, ‘The Ecclesiastical Estate in the Cortes of León-Castile, 1252-1350,’ *Catholic Historical Review* 67 (1981), 185-213, at 194; J.F. O’Callaghan, ‘Paths to Ruin: The Economic and Financial Policies of Alfonso the Learned’, in R.I. Burns, S.J. (ed.), *The Worlds of Alfonso the Learned and James the Conqueror: Intellect and Force in the Middle Ages* (Princeton, 1985), 41-67, at 58- 59.

³⁷ O’Callaghan, ‘The Ecclesiastical Estate’, 202-03.

families of León-Castile and Portugal.³⁸ With no tradition of collective action and little sense of collective identity, the attempts of the bishops within the kingdom of León-Castile to lever themselves into a more powerful position in relation to the king were altogether lame.³⁹

The contrast between Toledo and Tarragona in the holding of provincial councils is one emphasised by Peter Linehan, for Tarragona enjoyed the leadership of ‘the very antithesis’ of archbishop Rodrigo.⁴⁰ Pedro de Albalat (1238-50) was a vigorous reformer. He held ten provincial councils during his archiepiscopate and only failed to hold an annual meeting in 1241 and 1245 when he was absent attending general councils of the Church.⁴¹ The central feature of Pedro’s programme was the implementation of the decrees of the Fourth Lateran Council in general and an end to clerical concubinage and unsanctioned marriage within the forbidden degrees in particular, as well as his own provisions supporting the mendicant orders and promoting the struggle against heresy.⁴² He also disseminated throughout his province a *liber sinodalis* he had written with the assistance of Raymond of Peñafort, issued at a *sede vacante* synod at Barcelona in October 1241, that provided teaching on the Sacraments and the instruction of the faithful.⁴³ As well as providing for pastoral reform, however, the regular meeting of councils provided the Tarragonese episcopate with some sense of their collective weight. In 1250, a meeting of the province’s prelates was convened at Alcañiz in response to the treatment dealt out to Bishop Pedro Ximénez of Pamplona by the king of Navarre, which resulted in a decision to pronounce sentence of excommunication against the king.⁴⁴ This sort of collective action allowed the province to defend its interests in the face of pressure from the king of Aragon too, protecting its endowments in the newly-conquered territory.⁴⁵

Too much emphasis on the archiepiscopate of Pedro de Albalat is misleading, however, since his twelve year archiepiscopate was an island in a sea of apathy. Pedro’s predecessor, archbishop Sparago (1215-33) had not even attended the Fourth Lateran Council and displayed little interest in reform until he was berated by the legate, Jean of

³⁸ Linehan, ‘Episcopal *Gravamina* 1279’, 127.

³⁹ O’Callaghan, ‘The Ecclesiastical Estate’, 212-13.

⁴⁰ Linehan, ‘Councils and Synods’, 106.

⁴¹ Linehan, *Spanish Church*, 54.

⁴² Linehan, *Spanish Church*, 61.

⁴³ Linehan, ‘Councils and Synods’, 103-4.

⁴⁴ Linehan *Spanish Church*, 118-9.

⁴⁵ Linehan *Spanish Church*, 118.

Abbeville.⁴⁶ Although he had 'allowed himself to be dragooned into action by the legate', the resulting provincial council held in 1230 attracted the attendance of only four of his eleven suffragans.⁴⁷ After Sparago's death a five year election dispute left the Tarragonese Church leaderless until the election of Pedro.⁴⁸ Archbishop Benito de Rocaberti, Pedro's successor, was equally lax, earning a strong reprimand from Alexander IV in May 1252. In the words of Peter Linehan, it 'was a negative achievement of no small order to have presided over the spiritual shipwreck of the Aragonese Church and to have reduced it to the state of that of Castile, and all within a decade of the death of Pedro de Albalat.'⁴⁹ Even if Pedro's energy had created some nascent feeling of collective identity among the Tarragonese episcopate and a notion of its united strength, it would starve without regular feeding. The Tarragonese Church needed a succession of Pedros in order to continue the process of improving its position in relation to the king. This was something that the Church of Canterbury provided in England with the succession of Langton, Edmund of Abingdon and Boniface of Savoy. This the Iberian provinces signally lacked.

The utilisation of episcopal unity

Regular meetings of the episcopate created a collective consciousness that would dictate the role of the episcopate in regnal affairs. This collective consciousness encompassed the episcopal desire for a strong monarch who would rule justly in the interests of Church and kingdom, who could be corrected by the episcopate if he erred or, if that was not possible, removed from power. Episcopates in England and the Iberian peninsula directed their energy towards several sorts of action in service of these interests, at times under archiepiscopal command or, if that was lacking, legatine leadership.

The need for a strong king and peaceful kingdom was paramount, since the clergy needed a monarch who was capable of acting as the secular arm for the enforcement of ecclesiastical decrees as well as protecting ecclesiastical rights and property from the encroachment of lay magnates. This much was made explicit in the English coronation, when the archbishop would present regalia and anoint the would-be monarch after the latter swore

⁴⁶ Bisson, *Crown of Aragon*, 73.

⁴⁷ Linehan, *Spanish Church*, 36.

⁴⁸ Bisson, *Crown of Aragon*, 73.

⁴⁹ Linehan, *Spanish Church*, 93.

to defend the Church and her clergy.⁵⁰ The provision of strong monarchy had been a demand of many early medieval regnal Church synods, as at Hohenaltheim in 916 when the episcopate legislated 'for the strength of our kings' (*de robore nostrorum regum*) in an attempt to bolster their defences against infringements by lay magnates as well as 'a more general fragmentation of authority' that could undermine their position.⁵¹

Similar action was a feature of episcopal activity at several moments of uncertainty in England and the Iberian peninsula in the twelfth and thirteenth century, sometimes resulting from an insular initiative and other times under the direction of the papacy. Two instances when episcopates acted under legatine direction for the strengthening of the king and royal power occurred in royal minorities: in Aragon, in 1214, and England, in 1216-17. Both realms were papal fiefs and so both young kings came under papal protection.⁵² Pedro II had renewed the subjection of Aragon to the papacy in 1204 and, in 1213 with a five-year-old King James in the custody of Simon de Montfort at Carcassonne, a delegation of Catalan nobles had conceded wardship to the pope.⁵³ In his *Llibre dels Fets*, James fondly remembered Innocent III as his saviour, for he 'was the best pope, so much so that from the time that we compose this book going back a hundred years there has not been so good a pope in the Church of Rome... And he sent such forceful letters and such forceful envoys to Count Simon that he had to agree to return us [the young James] to our people.'⁵⁴ James did not recall in his autobiography the leading role played by the papal legate dispatched by Innocent, Pierre de Douai, who arranged the regency and summoned a great council of Aragonese and Catalan prelates, barons and townsmen to Lérida in 1214. Pierre imposed revised statutes of the 'Peace of Catalonia', to which all men above the age of fourteen had to swear.⁵⁵ The older James did recall, however, the prominent part played by Aspàreg de la Barca, the bishop of Pamplona (1212-15) and later Archbishop of Tarragona (1215-31), his kinsmen, at this crucial point in

⁵⁰ See the twelfth-century coronation ordo, given by Schulz, 'Bracton on Kingship', 137; also the description of Richard I's coronation by Roger of Howden: *GRHS*, II, 81-2.

⁵¹ Nelson, 'National Synods', 44, 48.

⁵² Pedro renewed the infeudation of Aragon to the papacy in 1204 (Linehan, *Partible Inheritance*, 43-44; N. C. Vincent, 'English Liberties, Magna Carta (1215) and the Spanish Connection', in *1212-1214: El trienio que hizo a Europa* (Pamplona, 2011), 243-61, at 258; D. J. Smith, *Innocent III and the Crown of Aragon: The Limits of Papal Authority* (Ashgate, 2004), 43-7). England had been ceded to the papacy as a fief by King John in 1213 (C. R. Cheney, *Pope Innocent III and England* (Stuttgart, 1976), 332; Vincent, 'Magna Carta (1215) and the Spanish Connection', 257); the young Henry III came under papal protection by John's direct request made shortly before his death (Carpenter, *Minority of Henry III*, 13).

⁵³ Bisson, *Crown of Aragon*, 58.

⁵⁴ *Book of Deeds*, chp. 10.

⁵⁵ Bisson, *Crown of Aragon*, 59.

the assembly. The bishop held the boy king in the crook of his arm, lifting him up to display him to the assembled crowd, at which point 'they all swore to us that they would defend our body and our members and our land, and that they would defend us in all things and above all things.'⁵⁶ For Thomas Bisson, this event was crucial to the salvation of the kingdom, for it was 'of transcendent social solemnity, the liminal phase of a historic *rite de passage*. Some of the men convoked were in revolt, many were disgruntled, yet all were exalted through deliberately refashioned ritual to a new level of political solidarity'.⁵⁷ The actions of the legate and bishop of Pamplona at the assembly at Lérida were crucial in securing the kingdom for the young James.

A similar role was played in England by Guala Bicchieri during the first two years of Henry III's minority. Like Aragon, England was a papal fief, having been granted to the papacy by King John in 1213. Like the Catalan nobles who realised they needed all the help they could get, John had asked the pope to protect the underage heir.⁵⁸ Like Pierre de Douai, Guala took the lead in bolstering the young king's position symbolically with the help of the local episcopate, in this case presiding over Henry's coronation at Gloucester, where he probably had the bishop of Winchester crown the king in the absence of the archbishop of Canterbury.⁵⁹ With Stephen Langton abroad at the papal court, Guala led the English episcopate; seven bishops at least were with him at the coronation while eleven joined the council called at Bristol a month later.⁶⁰ The rallying of the English episcopate under Guala's leadership doubtless was due in part to the sentence of excommunication pronounced by the papacy against Louis's invading army;⁶¹ though the comparison with Aragon, as well as the Synod of Segovia discussed below, does show how keenly episcopates felt the threat posed to the kingdom as a whole, as well as to the rights and property of the Church, by civil war. Peace, stability and a strong king were inestimably preferable to civil disturbance and, confronted with this sort of threat, bishops were prepared to rally for concerted action.

In the Iberian peninsula, the only significant demonstration of episcopal action in support of royal power came before the period in consideration, at the Synod of Segovia in

⁵⁶ *Book of Deeds*, chp. 11.

⁵⁷ Bisson, *Crown of Aragon*, 59.

⁵⁸ Carpenter, *Minority of Henry III*, 13.

⁵⁹ Carpenter *Minority of Henry III*, 20 n. 6.

⁶⁰ Carpenter, *Minority of Henry III*, 19.

⁶¹ Carpenter, *Minority of Henry III*, 19.

1166. Like the instances in Aragon and England in the early thirteenth century, the Synod of Segovia represented the coming together of the bishops of a threatened kingdom to bolster a young, vulnerable king. Unlike those assemblies held in the early days of the reigns of James I and Henry III, however, this one was not summoned by a papal legate but was convened on the initiative of the native episcopate. With the accession of a two-year old Alfonso VIII, Castile was threatened by the ambitions of the young king's uncle, the incursions of Fernando II of León (who held Toledo through Fernando Rodríguez de Castro), the unrest of Castilian nobles and a possible invasion by the Almohads.⁶² Faced with such dire prospects for king and kingdom, the bishops of the kingdom of Castile were stirred to action. Led by Jean de Castellmorum, archbishop of Toledo (1152-66), the bishops of Burgos, Calahorra, Osma, Ávila, Segovia and Sigüenza assembled at Segovia in mid-March 1166.⁶³ The measures they took were extraordinary. Using threat of excommunication and interdict, the bishops ordered all men holding an honour of the king to appear before the octaves of the coming Easter to do homage to him. Absolution could only be given for those failing to comply on the say-so of the king or the archbishop of Toledo. Strikingly, not only those holding honours of the king but all men of the kingdom were compelled, again under threat of excommunication and interdict, to appear in defence of the king and kingdom if invasion threatened. Whoever did appear would enjoy the remittance of enjoined penance as if he were going to Jerusalem. Meanwhile, anyone making war within the kingdom was to be excommunicated and denied Christian burial.⁶⁴

Much about the Synod of Segovia is remarkable, not least the unified action of an episcopate which, for the one and only time in this period, can be called 'Castilian'. Collective action, as we have seen, was not a conspicuous feature of the bishops of Toledo, yet here it was applied to forceful effect. Describing themselves emphatically as 'bishops of the kingdom of King Alfonso', the bishops confronted what they had clearly identified as a regnal crisis and 'momentarily played a role in national affairs unparalleled since before 711'.⁶⁵ They were not to do so again, perhaps because the circumstances never warranted it, for in 1166 the Castilian monarch faced an unusually potent threat. It is perhaps significant, though, that the Toledan bishops seem to have retained no memory of the event (Rodrigo of Toledo, when

⁶² P. A. Linehan, 'The Synod of Segovia (1166)', *Bulletin of Medieval canon Law*, New Ser., 10 (Berkeley, 1980), 31-44, reprinted in P. A. Linehan, *Spanish Church and Society 1150-1300* (London, 1983), at 33.

⁶³ Linehan, *History and the Historians*, 281 n. 52.

⁶⁴ Articles I, II and III (Linehan, 'Segovia', 42).

⁶⁵ Linehan, *Partible Inheritance*, 29.

writing his *History* in the 1240s, was apparently unaware of it).⁶⁶ This flash of episcopal unity soon faded into obscurity.

The comparable use of ecclesiastical sanctions and proffer of crusade indulgences in England testifies to the readiness of regnal episcopates (if only temporarily 'regnal' in the case of Castile) to respond vigorously when faced with the prospect of a kingdom in complete turmoil. In England in the first turbulent years of Henry III's minority, the legate Guala had applied the papal sentence of excommunication against the invading army and also turned the war against prince Louis into a crusade. Exceeding his mandate from Honorius III to suspend the crusading vows of the young king's supporters, he granted them remission of their sins and signed them with the cross. There was no doubt (at least in the mind of the 'Barnwell' chronicler) that this was a crusade and that Louis' supporters were legitimate targets, meaning that 'those who once called themselves the army of God, and boasted that they fought for the liberties of the Church and the kingdom, were reputed to be the sons of Belial and compared to infidels.'⁶⁷ If Guala's actions here had not provoked fresh desertions from Louis's camp, they had at least 'stimulated the morale of the Henricians... [and] confirmed and strengthened... the decision to desert Louis.'⁶⁸ Sentence of excommunication was also used again in England after the legate's departure to strengthen the position of the king, this time by the archbishop of Canterbury. In 1222, Stephen Langton responded to rumours of plots to break the peace of the kingdom and the prospect of the justiciar's armed response by summoning a great council. Moved to act (so one chronicler records) by his pity for the youth and weakness of the king, in concert with his suffragans he threatened excommunication against those threatening the peace.⁶⁹ Three months later, Langton used the statutes of his provincial council at Oxford to pronounce sentence of excommunication against breakers of the peace.⁷⁰ Episcopal unity and the concerted action it produced to strengthen royal power was a powerful weapon in times of crisis.

However, as well as being utilised to strengthen the king in turbulent periods, episcopal unity could also be directed towards his correction when it was royal behaviour

⁶⁶ Linehan, *History and the Historians*, 281.

⁶⁷ Carpenter, *Minority of Henry III*, 28.

⁶⁸ Carpenter, *Minority of Henry III*, 28.

⁶⁹ *Memoriale fratris Walteri de Coventria*, ii, 251; Carpenter, *Minority of Henry III*, 271.

⁷⁰ 'Omnes etiam illos excommunicationis sententia innodamus qui pacem et tranquillitatem domini regis et regni iniuriose perturbare presumunt, et qui iura domini iniuste detinere contendunt' (C&S, 106-07).

that caused unrest in the kingdom. The mutually supportive nature of these directives developed in early medieval synods, for 'when kings were weak, bishops rallied to their support – but with their own idea of how kings should function. National synods provided the organization and operation means, synodal statements the ideology, which underpinned episcopal attempts to capture the commanding heights of the political structure.'⁷¹ As discussed in chapter one, in addition to the Scriptural precedent for clerical oversight of kingship the involvement of the episcopate in royal anointing provided grounds for the bishops' correction of the king. For the 'liturgical affinity of royal anointing was with the Christian initiation... The purpose of royal anointing too was to 'make a new man' of the unworthy candidate... The aim of the anointers was not simply to exalt the king, but at the same time to condition and, when necessary, to control his action'.⁷² As a bishop was subject to the 'fatherly *correctio*' of his consecrators, so the king would be subject to the episcopate.⁷³

The role of anointing as the constitutive act of royal coronation was therefore significant in the relationship between episcopates and kings across early medieval Europe. In Chapter One, we saw how English bishops in the thirteenth century intervened when the king transgressed, drawing on the symbolic capital provided by their role as consecrators to 'remake' the king. This resource was simply not available to Iberian bishops as a tool for correcting royal behaviour, for in the thirteenth century at least Iberian kings were not anointed. In Castile, in fact, apart from the single recorded act of anointing in the fourteenth century (at the coronation of Alfonso XI in 1332), there was only one recorded act of coronation following that of the emperor Alfonso VII: that of Sancho IV in 1284.⁷⁴ Even in the coronation the 'function [of churchmen was] essentially decorative'.⁷⁵ According to the account of Rodrigo of Toledo, who witnessed events in 1214 and 1217, the constitutive acts of king-making for Enrique I and Fernando III were acclamation, homage and fealty.⁷⁶ Alfonso X (1252-84) seems to have been considered '*dei gratia rex*' through hereditary right from the moment of his accession, without the need for any sort of coronation, let alone anointing.⁷⁷ It is unlikely that coronation and anointing took place and went unrecorded, since the lack of

⁷¹ Nelson, 'National Synods', 45.

⁷² Nelson, 'National Synods', 52-3.

⁷³ Nelson, 'National Synods', 54-5.

⁷⁴ Linehan, *History and the Historians*, 430.

⁷⁵ Linehan, *History and the Historians*, 393.

⁷⁶ Linehan, *History and the Historians*, 393.

⁷⁷ Linehan, *History and the Historians*, 430; Linehan, *Partible Inheritance*, 24-25.

such ceremony was even noticed and remarked upon by Gerald of Wales: 'Yet the rulers of the Scots, who are called kings, just as the rulers of Spain are so called, are not by custom crowned or anointed.'⁷⁸ In contrast, all English rulers since the Conquest had not been considered king until crowned and anointed in Westminster Abbey. This custom continued until 1272, when necessity dictated that custom be broken. By arrangement made prior to his departure on crusade, the lord Edward was considered king immediately following his father's death, even though he was absent from the kingdom.⁷⁹

Although, as Gerald of Wales noted, neither the kings of Spain and the kings of Scotland were crowned or anointed, only the latter sought to establish anointing as part of king-making.⁸⁰ The kings of Castile were content without it and, indeed, probably encouraged the implication that they were un beholden to clerical power. The possibility of anointing and the episcopal involvement it entailed does not seem to have occurred to the Castilian bishops. When Rodrigo of Toledo was writing his *History* and supplying details of past events where no record was available to him, he inevitably 'opted for something secular'.⁸¹ In describing the accession of Sancho II in 1072, for instance, he made the would-be king crown himself, before being acclaimed and receiving homage, whilst, according to Rodrigo, Alfonso VI simply 'accepted the crown of empire'.⁸² Even given the opportunity to promote the historic role of his own office in king-making, the archbishop of Toledo did not grasp the opportunity. Neither he, nor in León the archbishop of Compostela, possessed anything like the same role in king-making as the primates of England.

The same was true of the archbishop of Tarragona and his suffragans in respect to the kings of Navarre and Aragon. The former, according to the custom set out in the *Fuero general de Navarra* of 1238 were 'raised' on a shield. When Theobald of Champagne, unappreciative of local custom, in 1257 submitted a request to the pope that he be made king of Navarre by

⁷⁸'*Scotorum autem principes, qui et reges dicuntur, sicut et Hispaniae principes, qui nec coronari tamen consueverant nec inungi, bonos quidem et sanctos fuisse fama praedicat*' (*De principis instructione*, given by Linehan, *History and the Historians*, 390 n.19).

⁷⁹ Henry III died on 16 November 1272 and on the following day Edward's peace was proclaimed in Westminster Hall. The magnates of the kingdom swore allegiance to Edward as king during the course of Henry's funeral (M. Morris, *A Great and Terrible King: Edward I and the Forging of Britain* (London, 2008), 103-04).

⁸⁰ D. Broun, *Scottish Independence and the Idea of Britain: From the Picts to Alexander III* (Edinburgh, 2007), 1-2.

⁸¹ Linehan, *History and the Historians*, 398.

⁸² Linehan, *History and the Historians*, 398.

anointing and crowning, it provoked outrage from his subjects who insisted that 'raising' remain the constitutive act. Even here, there was only a small role for churchmen.⁸³ It seemed at one point that the practice of anointing might be adopted in Aragon when, in 1204, Pedro II renewed the subjection of his kingdom to the papacy and, apparently by his own request, was anointed by a cardinal and crowned and knighted by the pope.⁸⁴ At this point Innocent III ordered that in future kings of Aragon should be crowned and anointed by the archbishop of Tarragona, but the decree was never fulfilled.⁸⁵ When Pedro's son, James I, sought support for his proposed conquest of Mallorca at the cortes of Barcelona in 1228, he based his claim to power and the loyalty of his subjects on the divine grace that facilitated his conception (his parents were not fond of each other) and highlighted his position as the sole heir to the kingdom, appealing to the bond of 'natural lordship' that existed between him and his people.⁸⁶ The concept of 'natural lordship' was also important in justifying the rule of kings of Castile, where it was stressed in the works produced at the court of Alfonso X, perhaps again emphasising the king's freedom from dependence on ecclesiastics.⁸⁷ In none of these kingdoms did churchmen play a regular or important role in the investment of royal power.

Similarly, Portugal had no tradition of anointing or crowning, though this is perhaps not surprising since the royal office was instituted so recently. Although Afonso Henriques had assumed the royal title in 1139, he did not secure papal recognition until 1179.⁸⁸ Like the kings of Castile and Aragon, the Portuguese kings drew authority from their role as leaders of crusades. In Portugal, though, displays of *strenuitas* did not serve merely to amplify royal authority by demonstrating that the king was *Dei gratia rex* (as in Castile and, perhaps, Aragon).⁸⁹ In Portugal, *strenuitas* was the very foundation of the royal office. In the bull *Manifestis probatum*, Alexander III made it clear that he had awarded Afonso Henriques the right to bear the title of king because it 'has been clearly demonstrated that through military action and strenuous effort you have been an intrepid destroyer of the enemies of the name of

⁸³ Linehan, *History and the Historians*, 391-2.

⁸⁴ Linehan, *Partible Inheritance*, 43-44.

⁸⁵ Linehan, *History and the Historians*, 389-90.

⁸⁶ *Book of Deeds*, chp. 48; S.F. Cawsey, *Kingship and Propaganda: Royal Eloquence and the Crown of Aragon c.1200-1450* (Oxford, 2002), 114-15.

⁸⁷ O'Callaghan, *Learned King*, 18.

⁸⁸ Lay, *Reconquest Kings*, 3, 141-2; E. Peters, *The Shadow King: Rex Inutilis in Medieval Law and Literature, 751-1327* (London, 1970), 141.

⁸⁹ Linehan, *History and the Historians*, 432.

Christ and a diligent supporter of the Christian faith.’⁹⁰ When Sancho II failed to prosecute the crusade he lost the support of the papacy, with devastating results, as will be discussed below. The reconquest allowed Iberian kings the opportunity to renew their authority by demonstrating *streunitas* in their deeds. For the most part, thirteenth-century Iberian monarchs were very successful in doing so. The ‘good works’ celebrated by James I in his *Llibre del Feyts* thus not only improved his worth in the eyes of God but also in the eyes of men. Just as James recognised that ‘although the circumstances of our birth were good, there was need for improvement in our actions’, his position as king by the grace of God through hereditary right would need to be continually reinforced through his deeds.⁹¹ Although such actions needed the support of the episcopate (and, in the case of Castile, a vast amount of financial support), ultimate responsibility for their execution resided with the king. With the king, then, lay the capacity to create and renew royal power. This meant that Iberian bishops were largely excluded from its creation. They did not possess anything like the symbolic capital of the archbishop of Canterbury and his suffragans, who were able to draw from their unique position as anointers of English king to correct his transgressions and make him anew. Consequently the Iberian bishops lacked a powerful tool to check or remake the king.

Drastic action

With no way of justifying a corrective role, Iberian bishops could only turn to more drastic forms of action if a king fell short of expectations. The council of Lyons in 1245 was a hotbed of such activity. There, Iberian bishops acted collectively in a way that was not possible within the peninsula. Sancho II of Portugal was one of their victims. Accused of infringing ecclesiastical liberties and of failing to prosecute the crusade, Sancho was pronounced *rex inutilis* by Innocent IV at Lyons.⁹² This was the result of sustained pressure exerted by a group of bishops from Portugal, who probably began their campaign in 1240 when a few managed to escape Frederick II’s agents and reach Rome, where they remained for some time. With the Iberian bishops gathered together at Lyons in 1245, the time came for action.⁹³ Between February and July 1245, Innocent IV issued at least four letters to Portugal, each one a step to removing Sancho from power.⁹⁴ The last of these, *Grandi*, decreed that Sancho was to be

⁹⁰ Lay, *Reconquest Kings*, 141.

⁹¹ *Book of Deeds*, chp. 1.

⁹² See Innocent IV’s decree *Grandi*, given by Peters, *Shadow King*, 137-9.

⁹³ Peters, *Shadow King*, 151; from 198 papal letters traced by Peters for the years 1223-45, one third concerned relations between Sancho and Portuguese higher clergy (Peters, *Shadow King*, 140 n. 7).

⁹⁴ Peters, *Shadow King*, 152-4.

detached from royal power and his brother Afonso, Count of Boulogne, appointed '*curator*' of the kingdom. Innocent noted in *Grandi* how the Portuguese prelates had appealed to his predecessors for help against their king after finding Sancho unmoved by ecclesiastical censure:

'and although he was warned diligently by the aforesaid prelates, to correct the aforesaid things and several other impious deeds, the serious narrative of which provokes loathing... yet still... he did not undertake to change anything; on account of which we were stirred by the clamouring accusations and lamentations of the bishops, abbots, priors, and other religious and secular clergy of the kingdom, and we diligently commanded the king through our letters to correct the aforesaid things'⁹⁵

It was the leadership of Innocent IV, though, willing to take decisive action against the Portuguese king, rather than the direct power of the bishops, that was crucial. So too was the papal court in providing a secure environment for episcopal activity.

At Lyons the Iberian bishops also turned on Frederick II. Although they were not under his rule, many had suffered at the hands of the emperor when they were intercepted by his fleet en route to the council of 1241.⁹⁶ Perhaps, as Peter Linehan suggests, they had their own rulers in mind when they attacked Frederick, so like the Iberian kings in his objectionable behaviour towards the Church, for Theobald I of Navarre and Sancho II of Portugal had both offended churchmen in their kingdoms and violated ecclesiastical liberties.⁹⁷ Writing to the pope to offer their full support for the action against Frederick, the Iberian bishops 'made no pretence of their fear that, if he were not thoroughly chastised, other princes would soon follow his '*exemplum et audaciam*'.⁹⁸ Whatever their reasons, their intent was clear:

⁹⁵ '*E licet a supradictis praelatis, ut ad corrigenda praemissa, pluraque alia nefanda, quorum seriosa narratio fastidium generaret, ardentius, ut tenetur, assurgeret, monitus fuit diligenter, idem tamen, eorum monitionibus obauditis, id efficere non curavit; propter quod nos episcoporum, abbatum, priorum et aliorum tam religiosorum, quam saecularium regni eiusdem conquestionibus et clamoris insinuationibus excitati, regem ipsum per nostras litteras ut praemissa corrigeret rogandum duximus attente*' (From the bull *Grandi*, given by Peters, *Shadow King*, 138).

⁹⁶ Lay, *Reconquest Kings*, 251; see the letter dated at Geneva 10 May 1241 to Gregory IX from the archbishops of Arles and Tarragona and the bishops of Astorga, Orense, Salamanca, Porto, Placencia, in which the bishops write that they, together with the archbishops of Rouen, Bordeaux, Auch, Besançon, and the bishops of Carcassonne, Agde, Nîmes, Tortona, Asti, Pavia, and others, set out for Rome to obey the pope's call to attend his council. On 3 May they encountered the armada of Frederick which fought them with great vigour. The bishops asked the pope to proceed harshly against this great tyrant, since otherwise the Church could never live in peace during his reign, as other princes would follow his example (*Quadro Elementar das Relações políticas e Diplomáticas de Portugal com as diversas potencias do mundo*, eds. Visconde da Santarém and Rebello da Silva (18 vols., Paris, 1842-1976), IX, 141-2).

⁹⁷ Linehan, *Spanish Church*, 161.

⁹⁸ Linehan, *Spanish Church*, 160.

‘the archbishop of Spain rose up, who greatly roused the lord pope to proceed against the emperor, by reporting the many things he had done against the Church, and how his whole purpose was to suppress the Church as far as he could, promising that he himself and all the prelates of Spain, who had come to the council more magnificently and in greater numbers than any other nation, would assist the lord pope in body and goods according to the pleasure of their will.’⁹⁹

In his letters to the prelates and nobles of England, Frederick singled out Pedro de Albalat, archbishop of Tarragona, and John Arias Suares, archbishop of Compostella, as ringleaders of the action against him,¹⁰⁰ though it was a larger group, including the bishops of Astorga, Orense, Salamanca, Plasencia and Porto who wrote jointly to the pope offering their full support against Frederick.¹⁰¹ Here, certainly, was collective episcopal action under the leadership of archbishops to effect change in the operation of royal government. Yet it was of an entirely different sort to that undertaken by the English bishops in the thirteenth century. The episcopal action against Sancho and Frederick was only possible within the sphere of the papal court. The Spanish bishops were clearly not able or willing to meet within the Iberian peninsula to unite in action against the rulers of their kingdoms. Combined with the fact that, unlike the bishops of England under the archbishop of Canterbury, they were in no position to intervene effectively in person with the king when royal policy overstepped the mark, this meant that the only course of action remaining was extreme. There was no possibility of ‘remaking’ the erring king, only the alternatives of suffering his policies or deposing him.

Collective episcopal action within Castile: the Cortes of Valladolid, 1282

There was, in fact, one significant instance of collective episcopal action against the Castilian king, though its features serve more to underline than undermine this picture of episcopal powerlessness. This came in 1282, when a number of bishops in León-Castile came out in support of the Infante Sancho, who was in rebellion against his father, Alfonso X. Their motivation was likely to have been the years of financial oppression they had suffered at the hands of the king,¹⁰² compounded by the royal failure to redress grievances set before Nicholas III in 1279. Six bishops from León and two from Castile (as well as fifty-seven abbots

⁹⁹ *‘Postmodum surrexit archiepiscopus de Yspania, qui multum dominum papam animavit ad procedendum contra imperatorem, referendo plurima que contra ecclesiam fecerat, et quomodo tota sua fuerat intentio ut deprimeret ecclesiam iuxta posse, promittens quod ipse ac alii prelati Yspanie, qui multum magnifice ac generaliter melius quam alia natio ad concilium venerant, domino pape assisterent in personis et rebus iuxta sue beneplacitum voluntatis’* (*Relatio de Concilio Lugdunensi*, given by Linehan, *Spanish Church*, 161 n. 1).

¹⁰⁰ *CM*, IV, 538-44, esp. 540.

¹⁰¹ Linehan, *Spanish Church*, 160.

¹⁰² Linehan, *‘Gravamina 1262-3’*, 741-2.

of Benedictine, Cistercian, and Premonstratensian monasteries identified by name) attended the Infante's 'cortes' at Valladolid in April 1282, where many of them formed '*hermandades*' in support of Sancho.¹⁰³ The plan discussed by the infantes was, in effect, to depose Alfonso, keeping him as a titular ruler but handing over the reins of government to his eldest son. However, the formation of these *hermandades* belies the fractures running through the episcopate. The archbishops of Toledo and Seville remained loyal to Alfonso and refused to attend the cortes, whilst the archbishop of Compostela was also absent (though because he was in exile following an earlier conflict with the king).¹⁰⁴ It is worth considering how the lack of archiepiscopal leadership could have weakened the assembled bishops, for the formation of these *hermandades* might not so much represent an empowered episcopate relishing the opportunity to unite against a tyrannous king but the desperate attempts of a threatened, leaderless group to defend itself. An eye-witness account of the cortes is given by bishops Fernando of Burgos and Juan of Palencia, who provided written testimony in order to disassociate themselves from activities they considered illegal and unjust. Having been called to Valladolid, the bishops had been in their rooms with several others when the infantes Peter and John, Sancho's younger brothers, had rushed in unexpectedly. The bishops were told they were to accompany the infantes to Sancho's presence, where with other knights, barons and citizens, they would pronounce a sentence. The proposed sentence was that king Alfonso should no longer be allowed to administer justice, manage royal income and expenditure, or have custody of castles and cities. Instead, these powers were to be handed to Sancho. The astonished bishops of Burgos and Palencia responded that such action would be extremely difficult – it required great counsel and careful deliberation. This could not be done, they said, since the bishops had not been summoned to the Cortes on the premise of discussing this matter and, in any case, the proposed action seemed unjust. Sancho and his supporters, though, would not take no for an answer and the Infante and other nobles pressed the bishops incessantly, issuing them with death threats and proffering harsh words. In fear of their lives, the bishops were brought into a room with Sancho and other barons, knights and prelates. The doors were closed. The sentence against Alfonso was read out and the fearful bishops were forced to affix their seals. The doors were then opened, at which point the bishops made a run for it before the sentence was published. Any support they appeared to give to the infantes' scheme, they later insisted, was given out of fear for their lives, as was any

¹⁰³ O'Callaghan, *Learned King*, 260.

¹⁰⁴ O'Callaghan, *Learned King*, 260.

participation in a *hermandad* or any oath or act of homage that had involved, for the bishops had never consented to the sentence made against Alfonso, nor would they.¹⁰⁵

The manner in which these events played out does not invite comparison with assemblies involving English bishops. True, in 1234 the English bishops led by Edmund of Abingdon, like their Spanish counterparts at Valladolid in 1282, took action against a king whose behaviour was deemed unacceptable. However, Edmund and his suffragans had taken the initiative on that occasion and had worked within the bounds of law, in the words of *Bracton*, to 'put a bridle on the king'.¹⁰⁶ The bishops at Valladolid clearly did not take the initiative. The authors of the account make it clear that the plans for deposition were laid by the infantes, nor is it clear whether any of their colleagues were willing accomplices, given the possibility that it was not only the bishops of Burgos and Palencia who were coerced. The actions of those who formed the Valladolid *hermandades* bear greater resemblance to the support given to the English reformers by the Montfortian bishops. The latter, like those at Valladolid, overstepped what most considered the boundaries of legitimate action in their move against the king. In England, however, there was no hint that any bishop was coerced into action. All five bishops suspended in 1266 were not only willing supporters but protagonists in Montfortian action between 1263 and 1265. If we might compare the parliaments of Westminster and Oxford in 1258 with the Valladolid Cortes, in that plots were hatched at the English assemblies, held in a volatile atmosphere punctuated by shows of armed force,¹⁰⁷ the majority of bishops chose to withdraw lest they incur the anger of the king.¹⁰⁸ There was no hint that the reformers tried to force their support.

There is, however, one English assembly that bears remarkable resemblance to the Valladolid cortes: the Council of Clarendon in January 1164. The menacing atmosphere of this meeting, revealed by Anne Duggan,¹⁰⁹ forced the English bishops under Becket to capitulate to the king's demands. Like the bishops of Burgos and Palencia (and perhaps others), the English bishops were shut away whilst in 'an atmosphere of threat and intimidation, the bishops' unanimity began to weaken.' Like those at Valladolid, they were threatened by various nobles

¹⁰⁵ *Memorial Histórico Español: colección de documentos, opúsculos y antigüedades que publica la Real academia de la historia* (50 vols., Madrid, 1851-1963), II, 59-63.

¹⁰⁶ Carpenter, 'Justice and Jurisdiction', 41.

¹⁰⁷ D. A. Carpenter, 'What happened in 1258?', in his *Reign of Henry III*, 183-97, at 187-97.

¹⁰⁸ Carpenter, '1258', 187.

¹⁰⁹ A. J. Duggan, *Thomas Becket* (London, 2004), 44-5.

with the consequences of resistance. Four of the bishops warned Becket that he would be killed if he continued to disobey the king. Threatened and bullied, Becket and his suffragans, like the Valladolid bishops, agreed to the royal demands. Becket, however, had balked at the prospect of affixing his seal to a written version of the Constitutions and had managed to extract himself.¹¹⁰ The bishops of Burgos and Palencia were forced to affix their seals to the sentence promulgated by the infantes and, on their escape, were at great pains to disassociate themselves from it. The Council of Clarendon was arguably the lowest nadir of episcopal power in Medieval England. Viewed from this perspective, events at Valladolid in 1282, far from demonstrating the strength of Iberian bishops in relation to royal power, only serve to underscore episcopal weakness.

Conclusions

What does this comparison between England and the Iberian kingdoms demonstrate? Firstly, the unusual power of English bishops in relation to the crown. This power was based on a strong collective identity forged over regular meetings, convened often on a regnal scale to consider issues of regnal importance. Whether these were provincial assemblies convened by archbishops or 'regnal' ecclesiastical assemblies convened by the king to consider royal requests for taxation, there was little distinction in effect. This collective episcopal identity involved a sense of common interests and an awareness of the bishops' collective power. Led by the archbishop of Canterbury, the English bishops utilised this power, drawing on their symbolic capital as historic anointers of English kings, to intervene in the operation of royal power when the king transgressed, by calling him to account and remaking him. This provided considerable scope for English bishops to effect change in the operation of royal power within the bounds of acceptable, legitimate action. Rebellion would always have been an unpalatable option, exposing Church property and rights to the perils of civil war. With the episcopal capacity to intervene with the king, rebellion was seldom necessary. The allegiance of several bishops to the Montfortian cause did not come about because there was no other way of confronting Henry III about his policies; this could at least have been attempted at Westminster or Oxford in 1258, if not later. The Montfortian bishops were as active protagonists in episcopal-royal power politics as any of their predecessors but chose to pursue their objectives outside of the historically-sanctioned framework. When viewed alongside their counterparts in the Iberian peninsula, the scope of the English episcopate to

¹¹⁰ Duggan, *Thomas Becket*, 44-5.

effect change in the king and the operation of royal power is quite astounding and, therefore, the choices of the Montfortian bishops all the more controversial.

Secondly, the comparison demonstrates that what really made the English bishops unusual was their objectives. Without exception, all action taken against Iberian kings was premised on royal assaults upon ecclesiastical liberties. The campaign to have Sancho II of Portugal proclaimed *rex inutilis*; the excommunication of the king of Navarre by Pedro de Albalat and his suffragans; the rebellion against Alfonso X of Castile in 1282; all of these actions were justified by the respective kings' attacks on the persons or property of the Church. English bishops were certainly concerned with ecclesiastical liberties, as the numerous schedules of complaints against Henry III's treatment of the Church show. However, what is remarkable is how consistently they stepped forward to protect the interests of the kingdom at large, whether to strengthen the king in times of crisis, reform him when he ruled badly, or rebel against him in the case of the Montfortians. The evidence reveals not only the extent of English episcopal interest in kingship per se, and in the operation of government, but also the willingness to act: Langton's exegesis and *quaestiones* and his use of excommunication to enforce Magna Carta, the Charter of the Forests and the peace of the kingdom; the lengthy speech of Edmund of Abingdon to Henry III in 1234, chastising him for his treatment of his barons; the letter of the Montfortian bishops to the papal legate in 1264, appealing to the precedents of the divine ordering of the universe, papal government and scripture to argue that kings must rule with the help of councillors (discussed in chapter seven). When compared to the evidence of the interests of their counterparts abroad, the actions of the English bishops do indeed seem remarkable.

Chapter Four

Robert Grosseteste's Writing on Kingship: its place in Montfortian reform

On Friday 13 May 1250, Robert Grosseteste, bishop of Lincoln, stood before Pope Innocent IV and the college of cardinals at the papal court at Lyons. Grosseteste had identified several abuses that were damaging to the Church and posed a danger to souls. His chief complaint was against the archbishop of Canterbury, Boniface of Savoy, who was attempting to levy uncustomary procurations. When it was put to Grosseteste by some of the cardinals that Boniface was entitled to the procurations by canon law, the bishop appealed to Aristotle's distinction between kingship and tyranny, as set out in Book VIII of the *Nicomachean Ethics*, a work which Grosseteste had been responsible for translating into Latin for the first time in its entirety for the benefit of a western audience.¹ The bishop had also written a commentary for Book VIII² and it is from this commentary, as well as Aristotle's own words, that Grosseteste drew to make his case against Boniface, arguing that the archbishop, rather than burdening his subjects financially, should use his own extensive wealth to conduct the visitation.³

On his return to England Grosseteste had Richard Gravesend, the archdeacon of Oxford who had accompanied him to Lyons, write up his whole case as a memorandum to be sent back to the cardinals.⁴ Grosseteste also, however, sent an '*abbreviatio*' – the section of the memorandum dealing with kingship and tyranny – to his friend and disciple, Simon de

¹ A pre-existing translation of the *Nicomachean Ethics* survived in fragmentary form. Grosseteste's achievement was to translate the work into Latin in its entirety, together with a collection of commentaries from various ancient and Byzantine sources that had been compiled anonymously in the twelfth century. For the most part, Grosseteste's own additions to the commentaries are confined to philological glosses (J. McEvoy, *Robert Grosseteste* (Oxford, 2000), 119).

² Grosseteste translated the second-century commentary on Book VIII by Aspasius but found that the text broke off around chapter eight, only surviving in fragments for the rest of the book. Grosseteste undertook to write the commentary for this missing section himself, so that the part of the commentary running from chapter eight until the end of Book VIII is almost all Grosseteste's work (McEvoy, 'Grosseteste's Reflections', 149-50). Grosseteste's contribution to the commentary is identified by Mercken in his edition of the *Nicomachean Ethics* (Mercken, 38). Mercken marks Grosseteste's additions to the Aspasius commentary in parentheses (Mercken, 145-95).

³ Gieben, 375-9.

⁴ Goering, 'Grosseteste at the Papal Curia', 254-5.

Montfort, earl of Leicester.⁵ The transmission of the *abbreviatio* has long been known and has understandably drawn comment, given Montfort's leading role in the turbulent period that began five years after his mentor's death in 1253. In 1258, Montfort took part in a coup that seized the reins of government from Henry III and transferred power to a baronial council. In 1264, Montfort led a victorious army against Henry at Lewes, took the king prisoner and put in place a council that aimed to wield royal powers on a long-term basis. Is it possible that Grosseteste's *abbreviatio* on kingship and tyranny influenced Montfort and the political action he took against Henry? Given Grosseteste's prominent place in the English episcopate and his connections with some of the bishops who were to join the earl, is it possible that his arguments justified episcopal involvement in the revolutionary action of the period 1258-65?

Since Grosseteste's memorandum was identified in 1940, this possibility has been raised several times. Sir Maurice Powicke, seemingly moved more by his remarkable instinct than by any particular analysis of Grosseteste's work, boldly proclaimed Grosseteste's posthumous influence over his 'strange disciple': Montfort 'had drunk of the cup held out to him by the strongest and subtlest visionary of his age, and the draught had gone to his head.'⁶ William Pantin, though, having examined the memorandum, dismissed the possibility that it had influenced the earl, arguing that Grosseteste's case focused on ecclesiastical rather than secular politics.⁷ Reginald Treharne, who had clearly hoped that the memorandum would reveal a connection between Grosseteste's 'ideas on constitutional reform' and the earl's later actions, pronounced it 'an almost complete disappointment' on similar grounds.⁸ It was left to John Maddicott, in his biography of the earl, to address seriously the question of how the ideas expressed in Grosseteste's writing might have shaped Montfort's actions in the period of reform and rebellion. Dedicating an entire chapter to the earl's 'Religion and Virtue', Maddicott shows how Grosseteste and his circle played an important part in Montfort's spiritual education. He detects, in many of the reforming measures introduced by the baronial council in 1258-9, the 'attitude' of Grosseteste that can be found in the guides produced by the bishop for the management of his diocesan estate.⁹ Yet, whilst showing that Grosseteste's writings on the treatment of tenants and the management of officials might well have influenced certain aspects of the reform programme, Maddicott left open the question of

⁵ *The Letters of Adam Marsh*, ed. and trans. C.H. Lawrence, Vol. I, OMT (Oxford, 2006), 57.

⁶ Powicke, *Henry III*, 390-91.

⁷ Pantin, 'Grosseteste's Relations', at 205.

⁸ Treharne, 'The Personal Role of Simon de Montfort', 80-81.

⁹ Maddicott, *Simon de Montfort*, 167-9.

Grosseteste's views on kingship and royal power, expressed in the memorandum, commentary and elsewhere, and how these relate to the baronial seizure of royal power and the reform programme.¹⁰

The aim of this chapter, then, is to chart Grosseteste's views on kingship and royal power, to ask what influence they might have had on Montfort and the reforming council and how far they justified the involvement of the Montfortian bishops. The findings do not reveal Grosseteste to be the archetypal Montfortian. The bishop took a remarkably positive attitude to monarchy and argued that subjects should not take aggressive action against kings or appropriate royal powers. His views on kingship did not support a revolutionary political programme like that of 1258, let alone Montfort's regime of 1264-5. However, his Aristotelian emphasis on the need for kings to draw from their vast personal wealth in order to rule justly without burdening their subjects might have influenced certain financial reforms undertaken by the baronial council and may, therefore, have opened the door for Montfortian action.

The sources available for addressing these questions are rich. Grosseteste's contribution to the commentary on Book VIII of the *Ethics* is substantial, running to approximately fifty printed pages.¹¹ The Lyonss memorandum, from which the *abbreviatio* sent to Montfort was drawn, is also an extensive work and particularly useful since it shows how Grosseteste applied Aristotle's arguments in practice. Grosseteste's letter collection contains 132 letters, many of which offer an insight into Grosseteste's understanding of monarchical power.¹² These works have attracted some attention for what they reveal of Grosseteste's theology, his approach to pastoral care and his attitude to the papacy.¹³ They have not, though, been examined in depth for their insights into the bishop's political thought. Meanwhile, a model for analysing how scholarly occupations could interact with and impact on political action 'on the ground' has been provided by studies of the *quaestiones* and biblical exegesis of Stephen Langton, Paris scholar and archbishop of Canterbury 1206-28, by Philippe

¹⁰ John Maddicott suggests that the influence exerted on Montfort by scholastic teaching in general, including Grosseteste's memorandum, might have been 'substantial' though he does not seek to determine it precisely (Maddicott, *Simon de Montfort*, 355).

¹¹ Mercken, 145-95.

¹² *Grosseteste Letters*.

¹³ For a discussion of Grosseteste's commentary, see: McEvoy, 'Grosseteste's Reflections'; McEvoy, *Grosseteste*, 113-21. For discussion of the memorandum, see: Pantin, 'Grosseteste's Relations', 209-15; Southern, *Grosseteste*, 257-60, 287-9; Goering, 'Grosseteste at the Papal Curia'.

Buc, John Baldwin and David d'Avray.¹⁴ These have demonstrated how Langton and other medieval theologians viewed politics and the proper operation of government as a theological concern. The modern distinction between theology, philosophy and political ideas is not one that Langton, or indeed Grosseteste, would have recognised. Although such research has not closed the debate on Langton's role in the production of Magna Carta in 1215,¹⁵ David d'Avray has shown how Langton's scholarly writing on kingship justified his role in the issue of the Charter during Henry III's minority and the responsibility he assumed for enforcing the Charter by sentence of excommunication in 1225.¹⁶ Langton's actions set a compelling precedent and the bishops who came after him – Grosseteste among them – followed his lead in upholding Magna Carta.¹⁷ Grosseteste's writings show that he was as concerned as Langton with understanding the origins of kingship, the extent of monarchical power and the ethics of government. Grosseteste did not live to see the baronial coup of 1258 so, unlike Langton, did not have the opportunity to put his ideas into practice. Yet, his thoughts on kingship – whether distilled in the memorandum or expanded in his commentary and letters – survived him in the memory of Simon de Montfort and his circle.

Kingship and Natural Law

'It is as natural,' wrote Aristotle, 'for a father to rule his children... as for a king to rule his subjects'.¹⁸ In his commentary on Book VIII of the *Ethics*, Grosseteste explained this statement by arguing that kingship originated in natural law. It is important to note that in promoting this view, the bishop was swimming against the academic tide. The view that kingship was of divine provenance had been current in learned circles since at least the early eleventh century.¹⁹ As the research of Philippe Buc has revealed, the late twelfth-century Parisian school led by Stephen Langton and Peter the Chanter had even inferred from the Old Testament that the origins of kingship lay in the punishment rather than the reward of mankind. They had deduced this from the book of Kings, which recalls the Israelites' rejection of divine rule, their demands for a king and the Lord's reluctant agreement.²⁰ From these

¹⁴ Buc, 'Princely Power'; Baldwin, 'Master Stephen Langton'; d'Avray, 'Magna Carta'.

¹⁵ See, for instance: Carpenter, 'Archbishop Langton'.

¹⁶ d'Avray, 'Magna Carta', 432-3.

¹⁷ d'Avray, 'Magna Carta', 433-4. For Grosseteste's role in pushing for the reissue of Magna Carta in 1252, enforcing the Charter by sentence of excommunication in 1253 and ensuring that it would be enforced in his diocese, see: *CM*, V, 324-8, 373-8.

¹⁸ McEvoy, 'Grosseteste's Reflections', 157.

¹⁹ Buc, 'Princely Power', 314-16.

²⁰ I Samuel: 8.

events Langton and the Chanter were able to demonstrate that God had never commanded the institution of kingship; He had allowed it and selected Saul as king, though He had done so grudgingly.²¹ This understanding complemented the idea, in circulation since at least the early eleventh century and recycled by Langton and the Chanter, that 'by nature all human beings are equal' and that only 'the Fall put one above another; at the end of time all power shall cease.'²² The existence of kingship as a form of government was impermanent, since kingship was not part of the divine plan.

Grosseteste's position on the origins of kingship was far more positive. In his commentary, the bishop recited the argument that the kingship was instituted by man and not God and proceeded to demonstrate its invalidity.²³ Taking Aristotle's point that 'it is as natural for a father to rule his children... as for a king to rule his subjects' as his starting point, Grosseteste argued that kingship was, in fact, in the very nature of things:

'just as in an individual man reason governs the sensitive and animal powers not in virtue of any human enactment but in the nature of things, so too the king governs his people in the nature of things. For the king, to the extent that he really is a king, follows reason alone and employs it alone in all his dealings with the people, whereas the common people follow rather their own animal and sensual movements. So it is that the king relates to his people as the reason, rightly ordered, in an individual man relates to his animal and sense components. That is why it was given to the first man to rule, not over other men but over the beasts of the earth and the fish of the sea and the birds of the air (Gen 1:28).'²⁴

A king was made to govern his people, just as in the book of Genesis the first man was given to rule over the beasts of the earth and just as reason in a human being was designed to govern animal instincts. The Parisian view encouraged suspicions of royal government, while Grosseteste's explanation invested the institution with unambiguous moral value. By locating its origins in natural law, he showed how kingship was part of God's plan for humanity and underlined its immutability as a form of government.

²¹ Buc, 'Princely Power', 321-2.

²² Buc, 'Princely Power', 317.

²³ 'But does kingship come from natural law? The instinct of nature teaches fathers to rule their offspring, but it appears that kingship has come about by human enactment (*constitutio*). For by nature all things are in common to all men and all men are naturally equal; wherefore kings were established not by nature but by the will of men.' Mercken, 166.35-39; translation from McEvoy, 'Grosseteste's Reflections', 157.

²⁴ Mercken, 166.39-47; translation from McEvoy, 'Grosseteste's Reflections', 157.

Grosseteste and pastoral kingship

The belief that kingship originated in natural law enabled an abstract understanding of the institution: the term 'king' could describe any person who was the sole ruler of his dominion, whether secular monarch, pope or bishop. As Grosseteste explained to the cardinals at Lyons, this is how he was able to apply Aristotle's concept of secular kingship to ecclesiastical rulership, to the pope as head of the Church or the bishop as head of his diocese, since 'according to sacred Scripture royal power... is the type and shape of the power of ruling souls'.²⁵ This approach was facilitated by Aristotle's emphasis on kingship as an intrinsically paternal and pastoral office:

*'the association between father and son has the form of kingship, that is, it has a likeness and parallel. Indeed the care of the father for his children is of the same sort as the care of the king for the kingdom and the subjects. Whence Homer calls Jove 'father', meaning that he governs his subjects by means of the paternal affection he holds for them. Indeed kingship, that is royal government, wishes, that is reasonably desires, to be paternal rule, so that clearly the subjects are ruled by the king by means of such an affection that he holds for them, as sons are ruled by a father.'*²⁶

Grosseteste understands Aristotle's allusion to fatherhood not just as a simple presentation of a 'likeness and parallel' of kingship but as an indication that fatherhood and kingship were essentially 'of the same sort', that is, essentially good and nurturing. Aristotle's next analogy, describing the pastoral responsibility of the ruler, was understood by Grosseteste in the same way. Aristotle likens the concern of a king for his subjects' welfare to that of a shepherd for his flock, elaborated by reference to Agamemnon's Homeric epithet, 'the shepherd of his people'.²⁷ This allusion invited Grosseteste to identify the Aristotelian ideal of kingship with the Christian ideal of the Good Shepherd. He was moved in his commentary to an impassioned elaboration of the theme, clearly drawn from his famous sense of personal responsibility for the souls under his care:

'And so that he [Aristotle] may show more clearly what the care and concern of the king for his subjects is, he compares him to a shepherd of sheep. Indeed just as the shepherd cares for the health of his sheep, bearing whatever labours and works he can for the health of his sheep and for their defence from lions, facing off against bears and

²⁵ *'Cum itaque secundum sacram Scripturam regia potestas, regitiva plurimorum, sit typus et figura potestatis regitivae animarum'* (Gieben, 378).

²⁶ *'patris ad filios communicatio habet regni figuram, id est similitudinem et exemplum. Filiorum enim talis est cura patri qualis est cura regni et subditorum regi. Unde et Homerus appellat Iovem patrem, eo quod paterno affectu sibi subditos gubernabat. Regnum enim, id est regia gubernatio, vult, id est rationabiliter desiderat, esse principatus paternus, ut videlicet tali affectu regantur a rege sibi subditi, quali a patre filii'* (Mercken, 162.32-163.38).

²⁷ Mercken, 153.74-5. Grosseteste does not mention the reference to Agamemnon in his commentary.

wolves and, if necessary, fighting even to the point of death, thus the king acts for the health and defence of the people.’²⁸

It is clear how Aristotle’s emphasis on the pastoral nature of kingship could support Grosseteste’s view that ‘royal power... is the type and shape of the power of ruling souls’.²⁹

A definition of kingship in which the pastoral responsibility of the ruler was essential accorded with Grosseteste’s work in other areas of scholarship. His understanding of the ecclesiastical hierarchy, drawn from the Pseudo-Dionysian corpus, emphasised the responsibility of office-holders for those below them in the hierarchy. In fact, the provision of support for those beneath the hierarch was the justification for the conferral of power. Grosseteste’s application of his hierarchical world-view is summarised by the recent editors of his letters:

‘The hierarch’s task, whether he was the parish priest, the abbot or prior, the archpriest or archdeacon, or the bishop himself, was to offer encouragement, direction, and support for those who were under his care. The bishop’s pastoral staff of office, the crozier or *baculus*, was a popular image representing these responsibilities. The crook or curved end was to be used to gather in those sheep who wandered away from the flock, while the pointed end, the *stimulus*, was both for goading reluctant sheep along the right path and for protecting the flock, and its prelates, from attack by those who would carry them off or harm them.’³⁰

Thus the pastoral nature of kingship described by Aristotle would have reaffirmed Grosseteste’s view that pastoral concern for those in one’s charge was part of the essential nature of rulership, whether the ruler in question ‘was the parish priest, the abbot or prior... or the bishop himself’ or even the pope or a secular king. This is what Grosseteste explained to Henry III in 1246, when the bishop responded to the king’s request for an explanation of what the sacrament of anointing added to the royal dignity. Grosseteste was keen to frame the gifts of the Holy Spirit conferred by unction not in terms of additions to otherwise non-anointed royal power but as an amplification of the responsibility to care for his subjects. This duty was especially incumbent on the anointed monarch:

‘the anointing of a king is the sign of the privilege of receiving the sevenfold gift of the most holy Spirit. It is this gift that binds an anointed king to a degree far surpassing unanointed kings to direct all his actions as king and those of his government toward

²⁸ ‘*Et ut manifestius ostendat qualis est boni regis cura et sollicitudo de subditis, assimilatur eum pastori ovium. Sicut enim pastor salutem curat ovium, quicquid potest operis et laboris pro ovium sustinens salute et pro defensione earum leonibus, ursis et lupis se obiciens et, si necesse est, etiam usque ad mortem dimicans, sic et rex agit pro salute et defensione populorum*’ (Mercken, 165.113-118).

²⁹ Gieben, 378.

³⁰ Grosseteste Letters, 20.

specific goals: because of the *gift of fear* he will, not in any ordinary sense, but eminently and heroically, restrain first himself and then, as much as he can, those subject to his governance from doing anything unlawful; because of the *gift of piety* he will defend, help, and cause to be helped, the widow, the orphan, and every oppressed person without distinction...'³¹

The signification of the crozier was as important here in the bishop's advice to Henry III as in Grosseteste's understanding of his own responsibilities. The Pseudo-Dionysian concept of *subsidium*; the part of his commentary describing so vividly the pastoral king, facing off against lions, bears and wolves in defence of his flock; the gifts, or rather responsibilities, conferred on the king by unction: all are mutually-reinforcing expressions of Grosseteste's view of pastoral kingship.

The rights of the subject in relation to royal power

Grosseteste's understanding of the institution of kingship, then, was unambiguously positive. Yet the realities of political life meant that Grosseteste would be confronted more than once with royal commands or policies he found disagreeable. What action could a subject take if he disapproved of a royal decision? This was a topic that Stephen Langton explored in some depth and his conclusions are worth discussing, since they provide an important context for Grosseteste's opinions. John Baldwin summarises Langton's approach:

'The general rule is submission to a prince even when his actions are unjust... Yet [there were]... important exceptions. If the injustice of a particular condemnation is common knowledge, the executioner may refuse to obey the prince's command. If the king commands a mortal sin, one has the right to resist... if someone has been condemned without a judicial sentence, the people are allowed to free the victim. Or if a war has been declared without a decision of the court, the people can resist and an individual knight can abstain from active service... The absence of the judicial process became his [Langton's] principal justification for political resistance.'³²

As Baldwin shows, Langton was adamant that the absence of a legal judgement (by court) in the royal decision-making process justified a subject in mounting 'political resistance'. The term 'political resistance' might, though, be a little misleading. The examples given by Langton are generally forms of passive resistance, such as refusing to obey a command. He was not suggesting that a subject take any sort of offensive action against the king. The 'resistance' he had in mind would be an ad hoc measure directed against the illegal command, rather than against the one giving it. Baldwin uses Langton's belief in the importance of 'judgement by court' to argue for Langton's revolutionary activities between

³¹Grosseteste *Letters*, 368.

³²Baldwin, 'Master Stephen Langton', 819-20.

1213 and 1215,³³ yet these same passages would seem to show that such a proactive campaign against the king was incompatible with Langton's world-view. In fact, it has recently been suggested by David Carpenter that Langton's scruples are reflected in the drafting of Magna Carta 1215, which shows the archbishop's concern that the Charter had been extracted from the king by force.³⁴ Clause 61 of the 1215 Charter (the 'security clause') was also highly problematic, since it empowered a group of barons to 'distrain and distress' the king 'in every way they can, namely by seizing castles, lands and possessions' in order to force the king to make good his transgressions.³⁵ That the security clause protected the royal person from baronial recriminations did not disguise the fact that it advocated the aggressive confiscation of the physical bases of royal power. It was not until 1225, when a new version of the Charter was issued freely by the king as part of a mutual bargain with his subjects, that Langton felt able to support the Charter wholeheartedly.³⁶ His solution for the enforcement of the Charter allowed for the use of excommunication against the king but did not threaten the fundamentals of royal power.

An unwillingness to take forceful action against kings would, in fact, be perfectly compatible with the precedents provided in the Books of Kings, with which Langton was so much concerned. True, the reprehensible action of many Old Testament kings served to justify God's warning to the Israelites – that kings would only bring them oppression and unhappiness – and necessitated their chastisement at the hands of the prophets, from whose example Langton might have drawn.³⁷ Yet, the Old Testament kings were anointed, just like their medieval English counterparts, and the anointing of Saul and David had been commanded by God.³⁸ The protected status this conferred was made clear when, on two occasions, David refused the opportunity to kill Saul because he was the anointed king.³⁹ There could be no clearer instruction on the illegality of raising a hand to the Lord's anointed than David's execution of the Amalekite, who had freely admitted to helping Saul end his life.⁴⁰ David's last words to the criminal resounded with condemnation both for the deed itself and

³³ Baldwin, 'Master Stephen Langton', 827-30.

³⁴ Carpenter, 'Archbishop Langton', 1052-3.

³⁵ Holt, *Magna Carta*, 471.

³⁶ Carpenter, 'Archbishop Langton', 1055.

³⁷ I Samuel 13: 11-14; I Samuel 15: 17-19, 22-23; I Samuel 28: 16-19; II Samuel 12: 1-10; I Kings 14: 7-9; I Kings 18: 18; I Kings 21: 19-20.

³⁸ I Samuel 9: 15-17; I Samuel 16: 1, 3.

³⁹ I Samuel 24: 5-8; I Samuel 26: 9-11.

⁴⁰ II Samuel 1: 6-16.

the shameful pride with which the man had boasted of it: 'Why did you not fear to put out your hand to kill the Lord's anointed?... Your blood be upon your own head: for your own mouth has spoken against you, saying: I have slain the Lord's anointed.'⁴¹ No matter what injustices Saul had committed, to take violent action against an anointed king was profoundly sinful.

There were times when the refusal to obey an illegal royal command was insufficient to prevent the implementation of an illegal royal policy, yet violent or aggressive action against the king was still unacceptable. This is demonstrated by the events of 1234 already outlined in Chapter One, when Henry's actions precipitated the rebellion of Richard Marshal and forced Edmund of Abingdon, archbishop of Canterbury, and his suffragans to confront the king directly, demanding the dismissal of Peter des Roches and his allies and threatening the king himself with excommunication should he fail to amend his ways.⁴² Henry was forced to admit that the disseisins had been made *de voluntate sua* and not according to judgement; des Roches was sent back to his bishopric and the manor of Upavon, along with others taken unjustly, was restored.⁴³

William Raleigh, the chief justice called in to oversee the restorations, probably used the events of 1234 as a template when discussing the right of subjects to take action against unjust royal decisions in the law book known as *Bracton*.⁴⁴

'The king has a superior, namely God. Also the law by which he is made king. Also his curia, namely the earls and barons, because if he is without bridle, that is without law, they ought to put the bridle on him.'⁴⁵

As Raleigh's use of the case in *Bracton* makes clear, the actions of the magnates and prelates in 1234 constituted an exemplum of legitimate resistance. Importantly, this shows that the sort of resistance deemed laudable was essentially passive and which did not threaten either the king or royal power. The public reproach made to the king by Edmund of Abingdon and the rebellion of Richard Marshal served to confront the king's actions, but the objective of such reproaches – putting a bridle on the king – was the rectification of an illegal decision and the restoration of good and lawful kingship. In this way Edmund's measures accord with Langton's scenarios. Langton had sought to prevent the execution of an illegal decision, whilst

⁴¹ II Samuel 1: 14-16.

⁴² *CM*, III, 272.

⁴³ *CM*, III, 272; Carpenter, 'Justice and Jurisdiction', 38-40.

⁴⁴ Carpenter, 'Justice and Jurisdiction', 41.

⁴⁵ Carpenter, 'Justice and Jurisdiction', 41.

the magnates and prelates in 1234 sought to rectify an illegal act which had already been committed.

Grosseteste on the subject's right to oppose royal power

An appreciation of these views helps to contextualise Grosseteste's discussion of kingship and tyranny, particularly in light of his possible influence on Montfortian political reform, which embodied the permanent or semi-permanent coercion of the king and the alienation of royal powers. Not even Langton, from a school that has been called 'anti-monarchical',⁴⁶ could have justified such measures. It should not be surprising, therefore, that Grosseteste in his various works did not advocate any form of aggressive action against a monarch. His view of monarchy was far more positive than that of the Paris school. Hence he was even less likely than Langton and his circle to warrant offensive action against a king.

Grosseteste, in fact, explained in detail why a subject's attack on royal power – the sort of action later taken by the Montfortians – was unsupportable. His detailed case is set out in letter 127 of his letter collection, in which he compared the power exercised by a ruler with that exercised by the ruler's subordinates.⁴⁷ This treatise is probably a formal record of the case presented by Grosseteste to the papacy in 1245, in which the bishop dismantled the claims of the dean and chapter of Lincoln to powers rivalling those of their bishop.⁴⁸ Appealing to the evidence of Scripture and the natural world, Grosseteste demonstrated how it is contrary to reason for subordinates to obstruct, attack or alienate monarchical power.

Grosseteste opened his case by recounting the appointment made by Moses of judges to support him in his duties, described in Exodus 18. These judges '*would refer to Moses himself any more important case and decide for themselves only minor matters. In this way Moses's own burden would be lighter, since he would share it with others* (Ex 18:19-22).'⁴⁹ Thus it is clear, argued Grosseteste, that the power to judge, correct and reform the whole people, as well as individuals, belonged originally to Moses. Moses had appointed helpers to share his burden, since he could not accomplish everything himself, but 'by this action he deprived

⁴⁶ Philippe Buc cited by Baldwin, 'Master Stephen Langton', 813.

⁴⁷ *Grosseteste Letters*, 374-431.

⁴⁸ *Grosseteste Letters*, 375 n.1.

⁴⁹ *Grosseteste Letters*, 375.

himself of none of the power he had received [from God] but instead retained the fullness of that power.’⁵⁰

The purpose of subordinates was to support the ruler, helping to shoulder the burden of office. This meant that subordinates were only supposed to exercise lesser power in a lesser function. There was no alternative to this structure since the ruler himself (Moses, in this case, and by extension Grosseteste in the diocese of Lincoln or any ‘monarch’ in the abstract sense) was the source of all power wielded by his inferiors, meaning that their power could never equal or surpass his own. The logical conclusion was that for a subordinate to strike against the power of his ruler was contrary to reason, for ‘what is more unnatural than for someone to rebel against himself, or to impede or diminish himself, or even to remove himself? This is doubtless what happens when an inferior power opposes a superior’s power or strives to annul it, since... the power of an inferior is nothing but that of his superior.’ Any such attempt, in fact, would amount to the suicidal destruction of the subordinate’s own power, since ‘once the bubbling spring of a source has been reduced in size or drained dry, it follows that the stream, too, must suffer the same fate.’⁵¹

For a subordinate to act to diminish his ruler’s power was unnatural, or physically impossible. Lest his audience should hesitate to concede the point, Grosseteste struck out with one of his most powerful metaphors. Here, he explained the distribution of power between ruler and subordinates (that is, between the pope and his cardinals and bishops, as well as between the bishop and his chapter) by likening it to that between the sun, the moon and stars:

‘Because the sun cannot by immediate presence shine everywhere on earth at one and the same time... [it] illuminates the moon and stars from the fullness of its own light, without any loss thereby to itself, so that when it is absent *they may shine in the vault of heaven* (Gn 1:17) and shed light upon the earth. And when the sun itself returns and shows its presence to the earth, those lesser luminaries are hidden by the rays of the sun and yield to the sunlight.’⁵²

This is no simple analogy but rather evidence per se of the very nature of power. Crucially, it explains how the natural properties of power dictate the possibilities for its distribution. The force of the example for Grosseteste’s argument is immediately clear:

⁵⁰ *Grosseteste Letters*, 376.

⁵¹ *Grosseteste Letters*, 378.

⁵² *Grosseteste Letters*, 401.

'It would be astonishing and utterly detrimental to the perfection of the earth's plants and animals if, at the sun's rising over the earth, the moon and stars were to attempt to obstruct its rays... Suppose the moon and stars were to say of their obstruction: 'Because we have light to illuminate the earth, that task is no longer yours.' Would they not be taking, to the full extent of their ability, the power of growth from the earth's plants, life from animals, and the full development and perfection of both?'⁵³

Comparing these strictures to the actions of Grosseteste's disciples, it is clear that the bishop's arguments, far from constituting a framework for Montfortian revolution, are an unqualified rejection of everything it represented. The reforming council set up in 1258 embodied a fundamental alienation of Henry III's power. The council was to appoint the king's ministers and to allocate his castles, as well as to implement the Provisions of Oxford for the reform of the realm. The king could not rule without the consent of this council; in fact, as Henry was to complain later, the council even ruled without consulting him.⁵⁴ In 1264 the Montfortians put in place a new council, modelled on that of 1258 but with a clearly defined elective system and decision-making procedure that aimed to support the operation of the council in the long term.⁵⁵ Both forms of council were a clear diminution of royal power, a transfer of royal powers to a conciliar body at the king's expense. The implications for the hypothesis of Grosseteste's influence on Montfortian political action are clear. The bishop's emphatic endorsement of kingship and vigorous insistence on the preservation of royal power intact were fundamental elements of his world-view, inextricable from his understanding of the natural world and divine power. Grosseteste's concept of royal power could never countenance this regime – only render it more scandalous.

This facet of the bishop's writing might seem at odds with the more familiar impression of Grosseteste, who did not hesitate to criticise both pope and king when he detected error and to disobey commands he deemed improper. Yet his insistence on the divine origins of kingship and his prohibition of aggressive action against monarchical power, on the one hand, and his willingness to criticise erring monarchs and disobey flawed commands, on the other, were mutually supporting – indeed inseparable – aspects of Grosseteste's world-view. This is demonstrated by Grosseteste's determination to explain his own disobedience. In 1253, the bishop wrote to two papal agents explaining his refusal to obey a mandate from Innocent IV. The pope, seeking a canonry for his nephew, had asked

⁵³ *Grosseteste Letters*, 402.

⁵⁴ For Henry's complaints about the council, see: *DBM*, 210-239, especially at 214-15.

⁵⁵ *DBM*, 294-301.

Grosseteste to provide one in the diocese of Lincoln. Since the nephew did not intend to reside in his benefice, Innocent was effectively inviting the bishop's complicity in 'cheating [the people of Lincoln] of a pastor's office and ministry', an offence that would 'bring death and damnation.... to souls that should be given life and salvation by the office and ministry of the pastoral care'. In Grosseteste's mind, 'there is not, nor can there be, another kind of sin so opposed and contrary to the teaching of the apostles and of the gospel, and to the Lord Jesus Christ himself so hateful, detestable, and abominable, and to the human race so destructive.'⁵⁶ Grosseteste's justification for his refusal was not founded on his moral objection to the command but rather on the premise that the nature of papal power did not permit any pope to issue damaging orders. For Christ had invested the papal office with the power only to construct, not to destroy, so that for any pope to issue a command that entailed a destructive effect was impossible, since it 'would obviously be a failure, or a corruption, or an abuse of its most holy and plenary power.'⁵⁷ The implications of this ruling were clear to Grosseteste:

'because of my obligation to be obedient and loyal, an obligation that binds me, as to both my parents, to the most holy apostolic see, and because of my love of union with it in the body of Christ, as a Catholic, a proper son, and one who owes obedience, I disobey, I oppose, and I rebel against the things contained in that letter... In your discretion you can take no harsh measures against me because of my stand, for my every word and deed in this matter is neither opposition nor rebellion, but rather a demonstration of the filial respect due by God's command to one's father and mother.'⁵⁸

Grosseteste's insistence that a loyal subject should refuse to obey destructive orders complemented, rather than contradicted, his insistence that subordinates could not alienate monarchical power. Grosseteste was not opposing the pope's power to grant benefices, nor was he suggesting that such power be taken away from the papacy and transferred to a committee of subordinates (as the Lincoln dean and chapter seemed to claim by analogy). He was arguing that a subject could, on a case-by-case basis, refuse to obey an order that lay beyond the scope of his monarch's power. In fact, for a subject loyal to the papal office, the disobedience of a destructive command issued by an individual pope was an imperative, since it served to uphold the integrity of the apostolic see itself. As such, the very act of 'rebellion' at once affirmed the legitimacy of the papal office and signalled a deep affection for it.⁵⁹

⁵⁶ *Grosseteste Letters*, 444-5.

⁵⁷ *Grosseteste Letters*, 446; Pantin, 'Grosseteste's Relations', 190.

⁵⁸ *Grosseteste Letters*, 446.

⁵⁹ For a fuller discussion of Grosseteste's loyalty to the papal office, see: Pantin, 'Grosseteste's Relations', 187-91.

That Grosseteste here refers to papal, not secular, monarchy in no way undermines the relevance of these passages to a reconstruction of his views on worldly kingship. As we have seen, Grosseteste himself made no distinction in essentials between spiritual and secular power. As Grosseteste had explained to the cardinals at Lyonss, he was able to use Aristotle's words on secular kingship to expound his case against the archbishop of Canterbury because 'according to sacred Scripture, royal power... is the type and shape of the power of ruling souls'.⁶⁰ This is no comment upon the jurisdiction of spiritual and secular power but upon Grosseteste's understanding of power itself, drawn from Christian tradition and supported by his own work on the Pseudo-Dionysian corpus. Divine power can only be constructive since God, in His goodness, can only produce good. Because all power on earth emanates from God and imitates divine power, earthly power, by its very definition, is similarly creative and generative. This meant that the motivating principle of Grosseteste's objection to Innocent's mandate – that divinely instituted power was purely constructive – applied equally to secular monarchy as to spiritual. Grosseteste, in fact, had directed the same point about the purely constructive nature of power to Henry III, when he criticised the king over his destructive interference in a dispute over the abbacy of Bardney. To Grosseteste, it was

'unbelievable that these commands ever originated in the conscience of a king. For royal power is such that a king can command only what is right (*rectum*), since a king (*rex, regis*) is so called from the words meaning 'right rule' (*rectum regimen*). Favouring children who rebel against their father, are contumacious and disobedient, over those who are submissive and obedient – what is this but a preference for *darkness over light, bitter over sweet, and evil over good* [Is 5:20]?'⁶¹

Kingship and Tyranny

Grosseteste's provision for selective disobedience of royal commands, therefore, only serves to support his prohibition of aggressive action against monarchical power. Does his Aristotelian scholarship, though, provide any grounds for circumventing these strictures that might allow for the barons' seizure of power? At first sight it seems possible, since Grosseteste, in his commentary and memorandum, defines true kingship by the monarch's ability to finance his government. According to this understanding, Henry III, continuously strapped for cash, might not be a 'true' king at all.

⁶⁰ Gieben, 378.

⁶¹ *Grosseteste Letters*, 326; Pantin, 'Grosseteste's Relations', 190.

In his commentary on Book Eight of the *Nicomachean Ethics*, Grosseteste describes how there are three types of political fellowship: monarchy, aristocracy and timocracy. Of these, monarchy, the rule of one leader alone, is the best. For the goal of government is the peace and concord of the subjects, and this is best achieved under one ruler, since it is natural that the community, as a single body, should prosper best under a single head. Tyranny, however, is the transgression of royal power. Grosseteste explains Aristotle's essential distinction between kingship and tyranny: a tyrant misuses royal power and exerts himself for his own advantage, whilst the king exerts himself for the common advantage of all who are subject to him.⁶² Of course, Grosseteste admits, one could argue that many who bear the name of king exert themselves for their own advantage, seizing goods from their subjects because their own property is not enough to sustain royal pomp and magnificence. Aristotle, though, goes on to explain that, in fact, a king ought to be self-sufficient. He should never need to take the property of another, since he should have a superabundance of wealth. Only vast personal resources will enable a king to fulfil the duties of his office without recourse to the goods of his subjects. A king, thus equipped, is able to exert himself for the common advantage of his people.⁶³

The ruler who does not fit this description is not really a king at all but rather a *clerotes*, a Greek term which Grosseteste understands to mean a man drawn by lot to act as ruler. Such a man thus holds the power and position of a king only by chance.⁶⁴ What is the difference, then, Grosseteste asks, between a *clerotes* and a tyrant? He explains that, although they both lack sufficient wealth to support their office, the tyrant can be distinguished by his actions, by the habit of doing the opposite of what is proper for a king, the *clerotes* by his

⁶² Mercken, 160.54-60.

⁶³ '*Sed quia posset aliquis dicere quod quo dicuntur reges plerumque intendunt propriam utilitatem, velut cum capiunt a suis subditis, cum non sufficiant illis sua propria ad regalem pompam seu magnificentiam sustinendum, obviat auctor dicens quod oportet vere dictum regem sibi sufficere et non alterius bonis in sustentationem regalis officii indigere, sed magis in omnibus bonis necessariis ad officium regale peragendum superabundare et superexcellere, ut non indigeat de alieno quidquam capere, sed libere possit et plene de propriorum copia ministerium regale complere non quaerens quae sibi ipsi sed quae sibi subditis utilia*' (Mercken, 160.60-69).

⁶⁴ '*Qui enim non talis, id est intendens utilitatem subditorum communem et per se sufficiens et omnibus bonis superexcellens, magis utique erit clerotes quam rex. 'Clerotes' autem dicitur a 'cleros', quod est sors vel possessio vel locus vel substantia. Unde clerotes dici potest qui praedicta regis propria non habens, quasi sorte et fortuito casu locum tenet regis et potestatem*' (Mercken, 160.71-161.77).

denial of all things appropriate to a king.⁶⁵ A king who lacks the wealth to fulfil his office becomes a *clerotes* and thus is no better than an ordinary man who had kingship thrust upon him. Such a man cannot exercise the duties of kingship without placing financial burdens on his subjects and is thus driven to rule in his own interest rather than for the benefit of his people. This is how, Grosseteste explains, the best sort of ruler (the king) becomes the worst sort (the tyrant).⁶⁶ It should be noted at this point that Grosseteste does not offer a solution for subjects ruled by a *clerotes* or tyrant, choosing not to explore the question of what action might or might not be taken by to restore lawful rule.

At Lyons, Grosseteste put his argument about royal wealth in context by showing how it applied to Boniface of Savoy. The archbishop of Canterbury was the monarch, the single ruler, of his archdiocese. Like a true king, Boniface had a superabundance of wealth from his richly endowed archbishopric, wealth quite sufficient to exercise the duties of his office. He had no need, then, to exact procurations from his subjects, the clergy, in order to carry out a visitation.⁶⁷ Grosseteste presents himself for comparison. When he became bishop of Lincoln he introduced a new sort of visitation, unprecedented in scale. He had, though, taken care that the visitation be sustained entirely at his own expense and not that of his subjects, a feat made possible by the 'superabundance' of wealth with which the diocese of Lincoln was endowed.⁶⁸

Kingship and royal wealth

Aristotle's insistence that superabundant royal wealth was a precondition for true kingship supported Grosseteste's understanding of kingship as a positive force, whether applied to a secular or spiritual ruler. It also once again differentiated Grosseteste's understanding of kingship from that of the Paris school. Peter the Chanter and Stephen Langton (among others) had focused on the *ius regis*, the privileges or rights of a king laid out by God in His attempt to disabuse the Israelites of their misguided trust in royal rule:

⁶⁵ 'Sed numquid idem est clerotes et tyrannus? Vel forte non secundum rationem idem sunt, sed dicitur clerotes a negatione eorum quae regi conveniunt, tyrannus autem ab habitu contrariorum his quae regi conveniunt' (Mercken, 161.83-6).

⁶⁶ 'Rex itaque, cum regia potestate non recte utitur, rex esse desinit et a non utendo recte regia potestate fit clerotes, sic transiens in pravam usum regiae potestatis, et sic fit tyrannus. Transit igitur et transgreditur quis ex regno in tyrannidem, cum non possit non recte uti potestate regia aliquamdiu, nisi et prave utatur. Pravitas enim est monarchiae tyrannis; ex quo sequitur quod malus rex fit tyrannus. Sic itaque fit transmutatio politiae optimae, quae regnum est, in pessimam, quae est tyrannis' (Mercken, 161.86-93).

⁶⁷ Gieben, 373-4, 378-9; Goering, 'Grosseteste at the Papal Curia', 264-5.

⁶⁸ Gieben, 375-7 Goering, 'Grosseteste at the Papal Curia', 264-5.

'he shall seize your sons and... make them his horsemen... he shall turn your daughters into his ointment-makers, his cooks, and his bread-makers. He shall seize your fields, your vineyards, and your best olive-groves... As for your crops and the produce of your vineyards, he shall tithe them to give to his eunuchs and members of his familiar... He shall also levy a tithe on your flocks, and you shall be his serfs. And on that day you shall clamor and shrink away from the face of that king whom you have elected, but God shall not hear you, since you asked for a king (I Kings 8: 11-18).'

In the words of Philippe Buc, 'for the majority of twelfth-century exegetes the *ius regis* did not describe the absolute prerogatives of a fully legitimate authority, but rather the excesses in taxation and lordship (*exactionem et dominationem*) to which a kingship created against God's will was naturally prone.'⁶⁹ Kingship, because of its sinful origins, naturally entailed financial oppression. For Stephen Langton, both *ius regis* and contemporary evidence demonstrated that the inherent rapacity of kings put them at dire risk. Commenting on *Deuteronomy 17*, where God outlines His expectations of the future king of the Israelites and forbids him from having immense weights of gold and silver, Langton argues that this is,

'plainly, against modern kings, who collect treasure not in order that they may sustain necessity but to satiate their cupidity. And note that the temporal possession of riches is well called a weight, because it is more of a burden to man than a support or a help. And so it is good that riches are signified by the name 'weight', because they are heavy, and drag down the man who carries them... to the lowest point of hell... And note that he says: *immense*, that is, beyond the measure of necessity: therefore, whatever goes further, that is, beyond necessity, is from evil, that is, it is evil and a sin.'⁷⁰

Both Langton and Grosseteste would allow that kings might lawfully levy some taxes, according to 'necessity'. Langton had enabled Henry III to levy such a tax in 1225, as discussed in chapter two, and Grosseteste also recognised that the king might be owed certain aids and services, as discussed below. Grosseteste would also agree with Langton that taxation beyond necessity was sinful; after all, his purpose at Lyonss was to argue that the archbishop of Canterbury's procurations were unnecessary and unjust. Langton's point, though, was not just that royal wealth was sinful if it was 'immense' (and so 'beyond necessity'), but that vast temporal wealth was morally dangerous 'because it is more of a burden to man than a support or a help' and imperilled his soul. Grosseteste would not agree that immense royal wealth was sinful per se. In fact, it could indeed be considered a 'support or help' in that a superabundance of royal wealth was just what enabled a king to execute the duties of his office. Only a ruler who possessed this magnitude of wealth could truly be called a king. This is why, as Grosseteste demonstrated by reference to his own example, a king 'to the extent

⁶⁹ Buc, 'Princely Power', 322.

⁷⁰ d'Avray, 'Magna Carta', 427.

that he really is a king' (as Grosseteste puts it) has no need to place financial burdens on his subjects. Kingship, in fact, is not inherently oppressive but inherently non-oppressive. This is some distance from the Parisian focus on the *ius regis*.

Identifying tyranny

Grosseteste's Aristotelian distinction between kingship and tyranny, based on the requirement of superabundant royal wealth, was rather different to that better known to contemporaries, though it was compatible. The standard distinction was summarised by John of Salisbury in his *Policraticus*:

'there is wholly or mainly this difference between the tyrant and the prince: that the latter is obedient to law, and rules his people... under the guidance of law... he should be someone who does not fear the penalties of law but someone who loves justice, cherishes equity, procures the utility of the republic, and in all matters prefers the advantage of others to his private will.'⁷¹

This definition combined the broad requirement that the king act for the general interest of the realm with the more specific demand that he rule according to law. The idea that one could only act against another according to law and due legal judgement was widespread and deep-rooted.⁷² It lay at the heart of the English common law and, in 1215, clauses 39 of Magna Carta, 'probably the charter's most cherished clause',⁷³ ensured that the same principle should govern the actions of the king: 'No free man shall be taken or imprisoned or disseised or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgement of his peers or be the law of the land.' Scholarly thinking mirrored practice. John Baldwin has argued that Stephen Langton's insistence that royal decisions must be made according to law, in the specific sense of a judgement in court, was his 'personal signature.'⁷⁴

For a subject in receipt of a royal command, this distinction provided a simple test. Using as his guide the definition of John of Salisbury, or the principles of the Common Law, or clause 39 of Magna Carta 1215, or the *quaestiones* of Stephen Langton, he would only need ask a straightforward question: had the king made the decision justly and according to judgement, or not? As John Baldwin has shown, Langton demonstrated, through numerous examples, how this thought process might work:

⁷¹ John of Salisbury, *Policraticus*, trans. C.J. Nederman (Cambridge, 1990), 28, 30.

⁷² Carpenter, 'Archbishop Langton', 1043.

⁷³ Carpenter, 'Justice and Jurisdiction', 37.

⁷⁴ Baldwin, 'Master Stephen Langton', 829. This statement could be taken to mean that judgment by court was the 'personal signature' of Langton among the theologians at Paris rather than (as Baldwin seems to imply) something unique to Langton generally, which is unlikely (Carpenter, 'Archbishop Langton', 1043). The importance the requirement held for Langton still stands.

'If a king unjustly wages war and the people know the injustice, are they held to obey him? The response was succinct but clear: If the matter was judged through sentence by a court, even though the court was partial to the prince, and even though the sentence was unjust, the people must accept, obey and not discuss the sentence.'⁷⁵ Again, the importance of due legal judgement is demonstrated by the example of a castle siege. According to Langton, 'If the siege has been adjudicated by a sentence of the court, no matter how unjust, the people cannot discuss the decision. But if the king has acted on his own will (*proprio motu*) to besiege the castle wrongly and without a legal judgement, the people will not be disobedient if they refuse to follow him.'⁷⁶ It was the absence of legal judgement in court, then, which for Langton rendered a royal command illegitimate.

Although this was a principle that Grosseteste indubitably supported, his Aristotelian definition of kingship does not include the requirement that a king make decisions by legal judgement in court. His distinction agrees with the general principle that the king should govern for the common good and is congruent with the demand that the king should rule according to law but, importantly, makes royal wealth the fundamental precondition for lawful rule. If a king has insufficient income to prosecute his policies without imposing on his subjects, he cannot be counted as a king in the true sense. He is driven to rule oppressively and so transgresses into tyranny.

Grosseteste and *epeikeia*

Unlike Langton's discussion, which uses helpful real-life scenarios that the reader could almost use as a checklist for identifying illegitimate royal action, Grosseteste's distinction between kingship and tyranny demands more of the reader. Firstly, he leaves many questions unanswered. What, exactly, comprised the king's 'own goods' – the resources from which he could draw in order to govern? Grosseteste notes that: 'the king is not said to seize the property of others, if he receives military services owed to the king or moneys owed to him or other things by some means or other owed to the royal office.'⁷⁷ What exactly was 'owed' to the king on account of his office? Grosseteste only specifies military service. If, as seems possible, he is thinking about feudal incidents (with the English model in mind) could scutage, relief, the profits of justice or the collection of revenues during ecclesiastical vacancies be included in this category? As customary components of English royal income, this would seem

⁷⁵ Baldwin, 'Master Stephen Langton', 817-18.

⁷⁶ Baldwin, 'Master Stephen Langton', 818.

⁷⁷ '*Non autem dicitur rex aliena capere, si regi debita servitia militaria seu pecunias sibi debitas seu alia aliqua regio debita officio recipiat*' (Mercken, 160.69-71).

possible. The difficulty lay in the ambiguity surrounding precisely what some of these payments entailed. Magna Carta had ensured that relief would be fixed according to the 'ancient' level, at £100 for an earl's barony and 100s. for a knight's fee: that much at least was certain. However, the level of other feudal incidents and the manner of their exaction was a continual source of contention among the king's greater subjects in assemblies and parliaments.⁷⁸ Could scutage, for instance, be levied for a royal campaign overseas? Could the rate be raised above the usual £1 per fee or, more controversially, was general consent actually required for the levy of scutage?⁷⁹ How often could it be levied? These were all questions debated by king John's magnates.⁸⁰ Whilst the limits placed on royal money-making ventures by Magna Carta, and Henry's subsequent resort to general taxation, made certain questions less contentious after 1215, there was still much to be resolved. For instance, 'in England the link between service and exemption was no more than haphazard and occasional', so that whether or not service implied exemption from scutage was still debateable at the end of the thirteenth century.⁸¹ Feudal incidents aside, could it be said that taxation was owed the king if it was of proven necessity?⁸² Considering Henry's would-be reliance on taxation, granted along the lines set out in Magna Carta, could common consent be taken as an acceptance that such a tax was 'owed' to the king?

Grosseteste's definition of what was 'owed' to the king as part of the resources belonging to his office was loose and open to interpretation. Arguably this was his intention. According to the rationale of Aristotle, there would be no advantage in pronouncing a strict set of legal definitions about what exactly was 'owed' to the king. This is because Aristotle was wary of positive (man-made) law:

⁷⁸ Maddicott, *Origins of Parliament*, 402 and n. 107.

⁷⁹ Magna Carta 1215 placed scutage in the same category as general aids in requiring common consent through an assembly, though the demand that this applied to scutage was left out of subsequent issues. It was understood, and shown on several instances during Henry's reign, that scutage only required the consent of the tenants in chief (Carpenter, 'Beginnings of Parliament', 399).

⁸⁰ Maddicott, *Origins of Parliament*, 127-28.

⁸¹ Maddicott, *Origins of Parliament*, 422-3.

⁸² 'According to Roman law, a ruler could appeal to the necessity to defend the common good, which was often a military necessity, in order to justify exceptional demands on his subjects. Provided that they acknowledge the necessity, his subjects could not deny his claim; but the need for them to make that acknowledgement opened the way for debate and for a sort of consent. They had the right to question the ruler's plea of necessity, but once it had been recognized they had no right to deny him the consequent tax' (Maddicott, *Origins of Parliament*, 122). For Langton's insistence on 'necessity' for deciding the level of taxation, see: d'Avray, 'Magna Carta', 427.

‘there are some things about which it is not possible to pronounce rightly in general terms; therefore in cases where it is necessary to make a general pronouncement, but impossible to do so rightly, the law takes account of the majority of cases, though not unaware that in this way errors are made. And the law is none the less right; because the error lies not in the law nor in the legislator, but in the nature of the case; for the raw material of human behaviour is essentially of this kind.’⁸³

In the Aristotelian spirit, Grosseteste might well have been cautious of specifying exactly what subjects ‘owed’ the king. What would be the point of defining, for instance, how often scutage could be levied or at what level when demand for it could vary so markedly from one period to the next? Equally, there would be no point in specifying a standard level for the rate of taxation, when at one time a fifteenth might be required and at another only a twentieth. In such instances, strict legal parameters would be unhelpful.

How, then, was the subject to judge what was ‘owed’ the king? Aristotle explains:

‘So when the law states a general rule, and a case arises under this that is exceptional, then it is right, where the legislator owing to the generality of his language has erred in not covering that case, to correct the omission by a ruling such as the legislator himself would have given if he had been present there, and as he would have enacted if he had been aware of the circumstances.’⁸⁴

The person called upon to make the judgement, in the absence of a specific ruling, must keep in mind the *telos* or end goal (what the original law had been supposed to achieve) and make a decision that best serves that goal. The tool to be used for aiding this judgement was *epeikeia*, equity:

‘the essential nature of equity... is a rectification of law in so far as law is defective on account of its generality. This in fact is also the reason why everything is not regulated by law: it is because there are some cases that no law can be framed to cover, so that they require a special ordinance.’⁸⁵

Grosseteste advised the cardinals at Lyons that *epeikeia* should be used to correct positive law, which was deficient due to its failure to take account of all circumstances, arguing that the ruler (Boniface) should use *epeikeia* in deciding what to extract from his subjects. The cardinals had pointed out that Boniface was entitled to procurations by canon law but, Grosseteste argued, that did not mean that he should exact them, for canon law is positive law, not natural law. Natural or divine law, so we are told both by Scripture and by the Dionysian *De ecclesiastica hierarchia*, should always have priority over positive law.⁸⁶

⁸³ Aristotle, *Nicomachean Ethics*, trans. J.A.K. Thompson (Penguin Classics, 2004), 140.

⁸⁴ *Nicomachean Ethics*, 5.10.

⁸⁵ *Nicomachean Ethics*, 5.10.

⁸⁶ Gieben, 380-85; Goering, ‘Grosseteste at the Papal Curia’, 266.

Grosseteste explained to the cardinals that natural law is always equitable, whilst positive law is not, since it cannot take account of all possible circumstances. Positive law, then, cannot be applied in blanket fashion to all cases. The ruler, as Aristotle tells us, should exercise the virtue of equity, *epeikeia*, in making judgements according to each case.⁸⁷ If Boniface exercised *epeikeia*, he would see that his proposed procurations were not just.⁸⁸ Aristotle was clear 'what the equitable man is. He is one who chooses and does equitable acts, and is not unduly insistent upon his rights, but accepts less than his share, although he has the law on his side.'⁸⁹ Grosseteste's point was that Boniface might technically be entitled to procurations according to canon law but that, instead of insisting on his rights, he should take the good of his subjects as his end goal and exercise *epeikeia* in order to judge what course best served that *telos*.

Grosseteste might well, then, have expected the reader of his commentary to understand the point about the exercise of *epeikeia* when reading his loose definition of what was 'owed' to the king. The king (whether the archbishop, bishop or king of England) was expected to keep the end goal of royal government in mind (the good of his subjects) and use *epeikeia* to judge what course of action best served that goal, what amount he could justly levy from his subjects on account of his office. A subject could, in turn, apply the same principle when adjudicating royal requests for money. Just as Grosseteste, in effect, put himself in his superior's shoes in order to test whether or not Boniface's request was equitable, so the subject of a secular king could ask whether the royal judgement served the end goal of the good of the kingdom.

This method of arriving at a judgement, though framed by Grosseteste in Aristotelian terms, would have been familiar to the cardinals at Lyons. As David d'Avray has shown, Aristotle's principle of the use of *epeikeia* to decide what judgement would best serve a stated goal was congruent with aspects of ecclesiastical law.⁹⁰ In effect, it was the same principle of equity that provided for the dispensation system. Monastic rules, for instance 'were instrumentally rational devices serving values, rather than values in and of themselves.'⁹¹ Thus if a situation arose when a particular rule was not working effectively in service of the

⁸⁷ Gieben, 385-6; Goering, 'Grosseteste at the Papal Curia', 266-7.

⁸⁸ Gieben, 386-7; Goering, 'Grosseteste at the Papal Curia', 267.

⁸⁹ *Nicomachean Ethics*, 5.10.

⁹⁰ d'Avray, *Religious Rationalities*, 116-17.

⁹¹ d'Avray, *Religious Rationalities*, 115.

given value, then the pope could grant a dispensation to correct the error.⁹² The same principle applied to the granting of dispensations in order to allow a marriage within the forbidden degrees of consanguinity.⁹³ Although some of the references used by Grosseteste at Lyons might have been unfamiliar, the principle was not. The same might be said in fact in the context of English politics, where the debates of assemblies and parliaments which aimed to decide what political decision best served the 'common good' could be understood in a similar framework.

Grosseteste's views on royal wealth and Henry III

Grosseteste's concept of kingship, based on a superabundance of royal wealth that prevented the king needing to burden his subjects financially, had particular resonance in the reign of Henry III. The bishop's pronouncement that hard-up rulers were unfit to bear the name of king might well have pricked the ears of Henry's subjects. Inflation had eroded much of the financial basis of royal government. At about £24,000, Henry's annual income in 1230 might have been the same as that recorded in Henry I's surviving pipe roll of 1130 but, in real terms, that money was now worth between two and three times less than it had been a hundred years previously.⁹⁴ More of that income also came from contested sources, rather than from 'politically inoffensive' royal domain, a lot of which had been given away over the years to provide patronage.⁹⁵ Increasingly Henry sought general taxation which, in line with the principles of Magna Carta, could only be granted by common consent in an assembly. This meant that Henry's government, particularly its finances, was regularly placed under scrutiny and subjected to vociferous criticism in assemblies and parliaments.⁹⁶ The fact that magnates and prelates met so regularly during Henry's reign to debate the need to raise royal revenue meant that they would be acutely aware of the deficiency of royal income.

Whilst a good part of Henry's financial difficulties resulted, therefore, from a chronic shortage of resources, the king appeared to compound his problems by lavishing precious funds on his Poitevin half-brothers, the sons of Isabella of Angoulême by her second marriage

⁹² d'Avray, *Religious Rationalities*, 112-15.

⁹³ d'Avray, *Religious Rationalities*, 19-20, chapter 6 *passim*.

⁹⁴ Carpenter, 'Beginnings of Parliament', 385-6.

⁹⁵ Carpenter, 'Beginnings of Parliament', 386.

⁹⁶ Maddicott, *Origins of Parliament*, 401-02.

to Hugues (X) count of La Marche, who had arrived in England in 1247.⁹⁷ This complaint was voiced prominently by the Montfortians, in 1258 and again in January 1264, when they submitted their case against Henry's government to the king of France for arbitration. They protested against the 'immense and uncontrolled liberalities and donations of the lord king... who, entirely without reason, gave away to many undeserving people... all that he should use to replenish his treasury'.⁹⁸ The result was that

'little or nothing was left in the treasury for the use of the king, so that, his store of money being utterly spent, having not the wherewithal to pay for his daily food, the lord king had to turn to seizing bread, wine, and other things for the maintenance of his household... whereby many of his English subjects were pauperized and beggared...'⁹⁹

These complaints about Henry's financial mismanagement are suffused with the spirit of Grosseteste's memorandum. In portraying an empty-pocketed Henry III who was a burden on his subjects, the Montfortians echoed Grosseteste's warnings about the monarch whose funds were 'not sufficient to sustain royal pomp and magnificence', leading him to seize the resources of his people. Moreover, in describing Henry as the architect of his own insolvency, the barons identified a clear opportunity for reform. If Grosseteste's view of kingship made the proper management of resources a moral imperative, Henry's culpability meant that this objective was achievable if the barons could only prevent his 'immense and uncontrolled liberalities and donations.'

The reforms undertaken by the barons on this front echo Grosseteste's warnings about the *clerotes*. Between 1258 and 1261, the reformers pursued three objectives, if with only limited success: to control and limit royal spending, particularly Henry's generosity to his relatives; to introduce greater efficiency into the administration, cutting waste and corruption; and to ensure that the collection of revenue at the local level was fair, putting an end to oppression and extortion.¹⁰⁰ Further diminishment of royal resources was to be prevented by the chancellor's oath that he would not 'seal any grant of a greater wardship, or of a large sum of money, or of escheats, without the consent of the great council or of the majority thereof'.¹⁰¹ The councillors were also to swear that they would not accept any grant

⁹⁷ H.W. Ridgeway, 'Foreign Favourites and Henry III's Problems of Patronage, 1247-1258', *EHR* 104 (1989), 590-610.

⁹⁸ *DBM*, 261.

⁹⁹ *DBM*, 277.

¹⁰⁰ I am grateful to Richard Cassidy for his insights into the reformers' activities at the exchequer, which are drawn from his work on the 1258-9 pipe roll.

¹⁰¹ *DBM*, 103.

from the royal demesne without conciliar authorisation. Meanwhile, lest the councillors themselves follow the same path as the king, burdening their subjects in the execution of their office, 'it was provided that they should be men who had sufficient means of their own to be able to bear the burden of the expenses of this duty.'¹⁰²

The reformers also moved to rebuild royal resources. It is in the steps taken by the reformers on this front or, at the very least, the spirit in which they were taken, that Grosseteste's spirit is most palpable. The barons decided to appoint 'someone of approved fidelity and industry... to undertake the care of the treasure and to keep it faithfully for the use of the king'.¹⁰³ The man appointed, on 2 November 1258, was John Crakehall, archdeacon of Bedford.¹⁰⁴ The choice of Crakehall for this particular task is arguably significant, for he had been close to Grosseteste. It is true that Crakehall would likely also have been friendly with Montfort and his appointment provided a treasurer more sympathetic to the earl's long-held financial claims against Henry.¹⁰⁵ From another point of view, however, Montfort and his confederates had deliberately made an altruistic choice. Crakehall was intimately familiar with Grosseteste's ideas on the moral importance of sufficient resources and sound financial management as the basis for government. Crakehall had not only been Grosseteste's steward, in charge of managing the estates of the huge diocese of Lincoln but had also, like Gravesend, accompanied Grosseteste to Lyonss.¹⁰⁶ He would, therefore, have been familiar with the great bishop's view of the Aristotelian arguments about royal solvency. As Adrian Jobson has shown, Crakehall presided over a series of reforms that aimed to restore royal finances, from the selling of wardships to an investigation of the mints and a revision of accounting procedure.¹⁰⁷ Recent research by Richard Cassidy has also revealed how the reformers moved to control the payment of fines in gold, which Henry had been taking into the wardrobe in order to build up a gold reserve, first for his Sicilian expedition and then for the launch of a gold currency.¹⁰⁸ The reformers ensured that these fines would be channelled through the

¹⁰² *DBM*, 262-5.

¹⁰³ *DBM*, 261.

¹⁰⁴ *CPR 1258-66*, 1.

¹⁰⁵ Maddicott, *Simon de Montfort*, 171; Jobson, 'John of Crakehall', 88.

¹⁰⁶ Jobson, 'John of Crakehall', 85-6; Maddicott, *Simon de Montfort*, 171; *Letters of Adam Marsh*, 257; Pantin, 'Grosseteste's Relations', 209.

¹⁰⁷ Jobson, 'John of Crakehall', 91-4.

¹⁰⁸ For Henry's gold treasure, see: D.A. Carpenter, 'The Gold Treasure of King Henry III', in his *Reign of Henry III*, 107-36.

exchequer so that the money could be properly audited and spent only in ways authorised by the baronial council.¹⁰⁹

John Maddicott has suggested how the influence of Grosseteste might have permeated the baronial reform programme, encouraging the involvement of churchmen like Crakehall who had been part of Grosseteste's circle and influencing the reforming measures that sought to provide justice to inferiors. This influence was manifested in the restraints placed on royal officials as well as the 'principal of baronial self-denial' that characterised many of the reforms, which echoed the strictures for the good conduct of estate officials set out in Grosseteste's *Rules*.¹¹⁰ Ultimately, perhaps, 'it was an attitude, rather than any specific proposals for action, which linked Grosseteste with the reforms of 1258.'¹¹¹ Yet the attitude towards royal wealth espoused in Grosseteste's memorandum and commentary arguably called for action. At the very least, the financial reforms undertaken by John Crakehall in an attempt to restore royal resources could be amply justified by Grosseteste's Aristotelian scholarship. Financial reform was a practical necessity, to be sure, but the arguments of Grosseteste made it a moral necessity too. Few would have understood this better than John Crakehall.¹¹²

Is it possible, then, that Grosseteste would have agreed with the reformers, who at Amiens justified their seizure of the royal purse by arguing that they would restore royal resources? After all, these measures would, if successful, in effect have restored the *clerotes* to the status of king and thus allowed Henry to rule for the benefit of his people. There is some reason for thinking so, for Grosseteste himself made similar arguments to those put forward by the Montfortians about Henry's impositions on his subjects. He seems, moreover, to have framed these arguments in Aristotelian terms that implied Henry was a *clerotes*. The Burton

¹⁰⁹ Cassidy, 'The Reforming council'.

¹¹⁰ Maddicott, *Simon de Montfort*, 166-8, 171, 251-2.

¹¹¹ Maddicott, *Simon de Montfort*, 168.

¹¹² The arguments set out in the memorandum on the need for sufficient resources as a basis for just rule, allowing the ruler to govern without placing financial burdens on his subjects, adds force to John Maddicott's suggestion that the bishop had sent the extract of the memorandum to Montfort as a tool for personal instruction (Maddicott, *Simon de Montfort*, 99). The ideas presented in the memorandum might also have informed the provisions set out in Montfort's will, in which the earl insisted on reparations for the tenants he had oppressed and hoped that his children 'when they come to inherit the land... would have no need to make demands on their people.' (Maddicott, *Simon de Montfort*, 173-77). Richard Gravesend and Adam Marsh, appointed among others as executors, would have been well aware of the importance of these measures.

annalist attributes to Grosseteste one of the numerous schedules of complaint drawn up at the ecclesiastical synods of the 1250s, in which Henry's financial demands on the Church and kingdom and the generally oppressive nature of his rule were lamented. The Burton schedule, which has been dated to January 1253, contains a clause that criticised the king for imposing on the hospitality of religious houses.¹¹³ Although it is written (so the complaint goes) that a king, if indeed he is good, does not exert himself for his own benefit but for the advantage of his subjects, doing good for them and encircling them with paternal affection, caring for them as a father does for his sons, the lord king frequently tours religious houses, enjoying their hospitality at their expense and burdening them greatly.¹¹⁴ Although this complaint was not unique to Grosseteste, its particular expression here appears to draw upon his commentary on the *Nicomachean Ethics*.¹¹⁵ Grosseteste, then, might well have endorsed the complaints made at Amiens about Henry's seizure of victuals for the maintenance of the royal household. He would also, perhaps, have approved of the sheriffs' oath of 1258 that set out, in emphatic fashion, strict limits on the hospitality that sheriffs could expect from religious houses.¹¹⁶

Like the reformers, Grosseteste was of the view that the greater part of Henry's miserable financial situation was of his own construction. In 1252, Grosseteste led the episcopate in opposing Henry's demand for an aid in support of a proposed crusade to the Holy Land. According to Matthew Paris, the bishops regarded Henry's taking the cross as a ruse to extort cash from the Church, necessary because everything he had already wrung from his people he had spent prodigally, to the loss of his kingdom and the peril of his faithful subjects.¹¹⁷

¹¹³ For the background to Grosseteste's complaints in 1253, see: Carpenter, 'Magna Carta 1253'.

¹¹⁴ *'Item, licet sicut scriptum est: Rex si quidem bonus est non intendit sibi ipsi set subditis utilia, et eos affectu paterno complectitur et benefacit, et curam eorum agit ut pater filiorum, dominus etiam rex frequenter circumiens per domos religiosas, hospitatur in eis earum sumptibus eas quamplurimum gravando. Nec excusat quod ab earum prelatibus quandoque rogatur, quia non amor set timor huiusmodi rogatus est stimulus'* (Burton, 424; C&S, 471).

¹¹⁵ For instance: *'Ait itaque quod patris ad filios communicatio habet regni figuram, id est similitudinem et exemplum. Filiorum enim talis est cura patri qualis est cura regni et subditorum regi. Unde et Homerus appellat Iovem patrem, eo quod paterno affectu sibi subditos gubernabat. Regnum enim, id est regia gubernatio, vult, id est rationabiliter desiderat, esse principatus paternus, ut videlicet tali affectu regantur a rege sibi subditi, quali a patre filii'* (Mercken, 162.32- 63.38); *'Si enim est vere rex et non tyrannus, bene facit subditis, et non qualitercumque sed optimo beneficio, quod est curam et sollicitudinem ipsorum gerere, ut ipsi mediante suo regimine bene operentur, id est secundum virtutem operentur et sic fiant felices'* (Mercken, 165.109-113).

¹¹⁶ DBM, 120-21. I am grateful to Richard Cassidy for drawing this point to my attention.

¹¹⁷ CM, V, 325-8.

Considering his attitude towards Henry's plan to crusade in the Holy Land, what might Grosseteste have made of the cherished plan of the English king to conquer Sicily? In 1254 Henry accepted the throne of Sicily on behalf of his second son, Edmund, and agreed to lead an army against the island's Hohenstaufen occupants, promising to pay the pope 135,541 marks for the privilege.¹¹⁸ This was, so everyone knew, a total waste of money. In any case this was what the clergy told Henry in 1257, when he requested their financial support for the venture. The scheme had also, they said, been undertaken without consent, required the diversion of the Church's resources from the poor they were bound to support and, furthermore, was a burden the like of which the whole of England would be insufficient to support, even if earth were made into gold.¹¹⁹ Was the Sicilian venture, like Henry's indulgence of the Poitevins, not also an unnecessary policy for which royal resources were completely insufficient, the pursuit of which would lead to the financial oppression of the king's subjects? Perhaps the prospect of provisioning Henry's Sicilian campaign would have been sufficient provocation to claim Grosseteste's support for the baronial coup in 1258, if only to take royal finances in hand.

It is doubtful, however, whether Grosseteste would have been persuaded that the ends justified the means. At no point in his commentary or memorandum does Grosseteste entertain the possibility of taking action against the *clerotes* or tyrant. This might be because Aristotle himself did not discuss the subject in the *Ethics* and Grosseteste did not wish to stray too far off-piste. However, his own actions offer no suggestion that he would have countenanced radical measures. Faced with the invitation to approve the tax for Henry's crusade in 1252, the appropriate course of action in Grosseteste's view was to refuse, asking the king to have a care for his soul and cease his demands. Whether or not Henry's financial demands stemmed from a fundamental lack of resources that rendered him a *clerotes* was a moot point. Crucially, Grosseteste never attempted to reconcile his Aristotelian concept of *clerotes* and tyrant with his fundamental understanding of monarchical power, nor was there any clear way of doing so. He treated Henry's claim to the ecclesiastical aid in the same way as Innocent IV's request for his nephew's canonry, as a destructive command, entailing damage to the Church, which was thus to be disobeyed. Whether the ruler in question was a *clerotes* or

¹¹⁸ Lunt, *Financial Relations*, 266.

¹¹⁹ Burton, 390-1; C&S, 526

simply a true king issuing a destructive order, Grosseteste's resistance was confined within a single set of parameters.

Conclusions

If one were to hypothesise, therefore, as to what path Grosseteste might have taken at Westminster in 1258, there is only one course of action that can be projected from his previous endeavours: the disobedience of destructive royal demands for taxation accompanied by impassioned lectures on the dangers of current royal policy. Grosseteste's concept of the nature of power and his consequent determination that subordinates could not strike to cut off or diminish monarchical power were an integral part of his core beliefs.¹²⁰ Any decisions he made would be built on these foundations. Of course, it is impossible to say with absolute certainty that Grosseteste would not have supported Simon de Montfort, particularly since several bishops were later moved to follow the earl, first in 1258 and then between 1263 and 1265. As will be discussed in chapter six, these bishops were drawn by the charisma of Montfort, amidst the turbulent atmosphere of political crisis and civil unrest, into pursuing a course of action that transcended the accepted limits of action against kings. Perhaps this would have been true of Grosseteste as well. It should be recognised, though, that this would have required a fundamental shift in his values.

It is likely that some of those ecclesiastics who did join Montfort carried the marks of Grosseteste's influence. Prominent among them was Richard Gravesend. Elected to the see of Lincoln in the autumn of 1258, he did not hesitate to join the baronial party and was to remain one of Montfort's most committed supporters.¹²¹ Gravesend had been part of Grosseteste's circle and was likely close to Montfort.¹²² Like Montfort and Crakehall, though, he was also familiar with Grosseteste's arguments on royal wealth. Along with Crakehall, he had accompanied Grosseteste to Lyonss and had witnessed for himself Grosseteste's demonstration of how Aristotelian philosophy could be applied to discussions of the ethics of government in his own day. It was Gravesend, moreover, who had drawn up the

¹²⁰ Pantin makes this point forcefully in relation to Grosseteste's understanding of the pope's *plenitudo potestatis* (Pantin, 'Grosseteste's Relations', 188).

¹²¹ *Dunstable*, 211; a papal letter addressed to Gravesend in 1267, accusing him of consorting with the king's enemies overseas, suggests that he was unusually loyal to the Montfortian cause (*CPL*, 421).

¹²² Maddicott, *Simon de Montfort*, 81-2; *Letters of Adam Marsh*, xx, xxvii-xxviii, 184-91, 206-15.

Gravesend was close enough to Montfort to be named as an executor of his will in 1259 (Maddicott, *Simon de Montfort*, 177).

memorandum which summarised the case, from which the *abbreviatio* sent to Montfort was drawn.¹²³ Gravesend's involvement in the baronial party, like that of Crakehall and Montfort himself, thus provided another medium by which Grosseteste's arguments on royal wealth might well have been fed into the reform programme. Whilst Grosseteste's understanding of kingship and royal power could not support the baronial regime, the posthumous influence of his arguments on royal wealth helps to explain the tenacious support given the earl by Gravesend and his ecclesiastical colleagues.¹²⁴ Perhaps Gravesend, like Montfort, had 'drunk of the cup' presented by Grosseteste and, like the earl too, 'the draft had gone to his head.'¹²⁵

From the evidence of Grosseteste's writings, it is clear that he and the reformers agreed on two important points: that Henry's impoverishment was self-inflicted, and that it led to the oppression of his subjects. Given the shape and force of the arguments Grosseteste brought to Montfort's attention it seems quite possible that the bishop might have provided the impetus for certain measures undertaken by the baronial council in 1258, particularly financial reform. Perhaps too the same arguments and the memory of the great man who had made them encouraged Gravesend and the other Montfortian bishops in support of the earl. Grosseteste's writing on kingship encouraged an intensely moral approach to assessing royal financial management that might well have opened the door for the condemnation of Henry III's rule used to justify the coup of 1258. There are indeed hints that the earl and his supporters felt that they were following the path laid out for them by Grosseteste. This notion appears strongly, for instance, in the 'Song on the Death of Simon de Montfort' identified by Maitland, a poem probably written in the immediate aftermath of Evesham and preserved in a collection belonging to one Walter de Hyde, a cleric with degrees in the arts and canon law who might have been associated with Stephen Berksted, the Montfortian bishop of Chichester.¹²⁶ The poet writes that Montfort followed Robert [Grosseteste] 'whose life was commended through certain miracles'; Montfort 'obeys his words; Robert speaks, Simon believes, concerning such statutes: if you confess the truth, and die for the words, you will

¹²³ This connection has gone largely unnoticed as both Pantin and Gieben mistakenly attributed the compilation to Richard Marsh. The mistake is corrected by Goering (Goering, 'Grosseteste at the Papal Curia', 254 n. 13).

¹²⁴ It is also possible that Henry of Sandwich (the Montfortian bishop of London elected in 1262), John de Cheam (the bishop of Glasgow who offered Montfort some support) and Thomas Cantilupe (Walter Cantilupe's nephew and Montfortian) had known Grosseteste too, since they had all held livings in his diocese. It is possible, then, 'that the outlook of these three had been influenced by the example and ideals of their one-time diocesan' (Maddicott, *Simon de Montfort*, 251-2).

¹²⁵ Powicke, *Henry III*, 391.

¹²⁶ F. W. Maitland, 'A Song on the Death of Simon de Montfort', *EHR*, 11 (1896), 314-18, at 314-15.

earn great rewards. It is amply proved that the just man suffers and is tried through great thunder.'¹²⁷ It is not hard to see how the memory of Grosseteste's passionate speeches and writings could have supported this sort of belief. Everything we know of Grosseteste, though, argues that even if he would have been sympathetic to certain baronial objectives, he would have objected in the most strident terms to the fundamentals of the Montfortian constitution.

¹²⁷ Maitland, 'Song', 318. It is not clear exactly where Grosseteste's speech finishes (Maitland, 'Song', 318 n. 24).

Chapter Five

The English Church in 1258

In chapter one, we saw how at crucial moments of civil unrest in 1213 and 1234 the place of the archbishop of Canterbury and his suffragans as the nexus of interlocking loyalties had authorised and encouraged the English bishops to make peace between the ruler and his magnates. As discussed in chapter four, such action was buttressed by the writings of theologians like Langton and Grosseteste that upheld royal power and shunned aggressive action against kings. In 1266, five English bishops were excommunicated for being confederates of the rebel Simon de Montfort, having repudiated their loyalty to the king and joined the baronial party in defiance of English episcopal norms. How did this change from peacemaker to partisan come about? This chapter will examine a significant period in the story of this shift in episcopal behaviour: the reforming parliaments of Westminster and Oxford in 1258. This will be done through a narrative of episcopal activity between April and June 1258, as well as a more detailed examination of the experiences of three prelates – the archbishop of Canterbury and the bishops of London and Worcester – who, each in his own way, demonstrated how the web of loyalties that had underpinned the episcopal agenda in politics up to this point could unravel. The conclusion produced by this analysis is that, whilst individual prelates did involve themselves in events, the English episcopate as a whole had little to do with baronial reform. This was essentially because the actions taken to divert royal power into the reforming council were, for most prelates, far too radical to countenance. This makes ecclesiastical involvement in baronial reform very different both in nature and extent to the roles taken earlier by the likes of Stephen Langton, Edmund of Abingdon, Robert Grosseteste and others in ensuring just government through the enforcement of Magna Carta and the Charter of the Forest through sentence of excommunication. The events of 1258 did not, however, mean that the bishops were presented with an ultimatum either to join the royal or baronial party or else to distance themselves entirely. The archbishop of Canterbury and his suffragans could, like Stephen Langton and Edmund of Abingdon, have stepped in to resolve the dispute before it came to blows, yet they chose not to do so. The consequences for the course of English politics were severe.

The bishops at the parliaments of Westminster and Oxford

Chronicle accounts of the ecclesiastical meetings of 1258 are somewhat confused but, when combined with other sources, a tentative narrative of episcopal activity can be constructed. Magnates and prelates gathered together at Westminster shortly after 7 April 1258 to discuss the business of the kingdom, especially that of Sicily.¹ Fulk Basset, bishop of London, and Walter de Cantilupe, bishop of Worcester, were present both as members of the episcopate and as members of the royal council. Both had probably been sacked from the king's council in 1255 after they had led the bishops in vociferous opposition to the Sicilian project. On that occasion, both had declared (according to Matthew Paris) that they would die before the English Church was subjected to ruin.² Both had been reinstated to the council in 1257 and now, during the days of the Westminster parliament, were busy witnessing charters along with other *curiales*, joined occasionally by the bishops of Salisbury, Norwich, and Coventry and Lichfield.³ On 19 April, the archbishop of Canterbury, Boniface of Savoy, sent out a summons to the higher clergy of all England to meet at Merton on 6 June.⁴ The purpose of the meeting was to consider further the grievances against lay treatment of the Church that had been the subject of so much discussion over the previous few years. It is likely that further discussion of Henry's Sicilian ambitions during the Westminster parliament, together with the anticipation of the inevitable renewal of royal demands for financial aid from the Church, stirred Boniface to muster his troops. No doubt the archbishop hoped to utilise the corporate solidarity continually recreated and maintained during the numerous ecclesiastical meetings of Henry's reign in order to strengthen the position of the English Church in respect to Henry's demands. Meanwhile, on 28 April, the king put his request for an aid to fund his Sicilian venture to the parliament. The magnates agreed to respond within three days. The Tewkesbury annalist records that at this point the bishops withdrew, not wishing to incur the anger of the king.⁵ Whether or not the bishops of London and Worcester withdrew with the other prelates or remained as members of the royal council is uncertain, though they did not witness any charters between 27 April and the Oxford parliament in June. On the third day

¹ *DBM*, 72-75; Carpenter, '1258', 183.

² *CM*, V, 525.

³ Both Basset and Cantilupe were appointed to the king's council in 1257. Their appointment and oath are recorded in the Burton annals (*Burton*, 395-7); Carpenter suggests Cantilupe's sacking from the council in 1255 from his reappointment in 1257 (Carpenter, 'Thomas Cantilupe', 297 and n.22). In 1258 Basset and Cantilupe witnessed a charter together on 12 April, Cantilupe witnessed again together with the bishops of Bath and Wells and Coventry and Lichfield on 17 April and the bishop of Salisbury on 19 April 1258; on 19 April Basset and Cantilupe also witnessed another charter together (*RCWL*, 117).

⁴ *C&S*, 571-2.

⁵ *Tewkesbury*, 163; Carpenter, '1258', 187.

following Henry's request, as promised, a response was given. A band of earls, barons and knights, led by the earl of Norfolk, marched into Westminster Hall. They demanded the expulsion of the Poitevins and that the king should abide by the decisions of a council of twenty-four, without whose consent no tax could be imposed. The royal seal was also to be handed to a man provided by the twenty-four.⁶ Faced with such a demonstration of force, the king capitulated.⁷ The barons promised in return to do their best to influence the community regarding the grant of an aid for Sicily, providing the pope would soften the terms of the agreement.⁸ The following day, on 2 May, it was announced that another parliament would be held at Oxford on 9 June to take the matter further.⁹

In the meantime, shortly before the magnates began to gather at Oxford, prelates of both provinces gathered at Merton on 6 June in response to the summons of the archbishop of Canterbury. The precise composition of the assembly is unknown, though cathedral deans, abbots, priors and archdeacons had been summoned as well as bishops.¹⁰ The archbishop of York had died in May, and his suffragans seem to have been absent.¹¹ Like the ecclesiastical assemblies of previous years it was a self-consciously regnal assembly, as the scope of the provisions and the final clause, stating that the provisions had been made in a solemn assembly of the prelates and clergy of the English Church, shows.¹² The assembly lasted only two days (the provisions are dated 8 June); prolonged discussion was obviously unnecessary, since the grievances of the English Church had been discussed frequently over the past few years that most of the prelates probably knew them by heart. What was important, though, was the fact of meeting in a regnal assembly with the sharing of common interests, ensuring the renewal of the corporate solidarity that had been established over many years. At this critical juncture in the politics of the kingdom, the prelates remained a united body. For some reason, they decamped to Westminster in time for the final session of the assembly on 8 June. There, the prelates put their seal to what amounted to a series of proposals; rather than

⁶ *Tewkesbury*, 163-4; Carpenter, '1258', 187-8.

⁷ Carpenter, '1258', 187-8.

⁸ *DBM*, 72-3.

⁹ *DBM*, 74-77.

¹⁰ *C&S*, 571-2.

¹¹ *C&S*, 568.

¹² *C&S*, 585.

issuing their schedule in the form of official statutes, the possibility of their amendment was left open.¹³

About three days later, around 11 June, the lay parliament opened at Oxford. There, twenty-four councillors were elected, twelve to represent the king (already chosen before the parliament opened) and twelve to represent the barons, to provide for the reform of the realm.¹⁴ The parliament lasted about a fortnight, during which a series of reforms were drawn up and some implemented, including the establishment of a council of fifteen that would effectively govern the kingdom. The Lusignans, refusing to swear an oath to uphold the reform programme, were chased from the country by Simon de Montfort and others.¹⁵ The extent of episcopal involvement in the Oxford parliament is debateable, since the sources disagree substantially with one another. The result is a divergence between those accounts that posit a decisive role for the bishops in the promotion of the reform programme and those arguing that they distanced themselves from baronial activity in the spring and summer of 1258. Sir Maurice Powicke and Christopher Cheney were confident that the prelates remained distant from the parliament,¹⁶ as was Reginald Treharne.¹⁷ Clive Knowles, in his entry for Boniface in the *Oxford Dictionary of National Biography*, whilst allowing for a limited involvement by Boniface, suggests that most of the clergy stayed away from the Oxford parliament.¹⁸ John Maddicott, meanwhile, is confident that the bishops transformed the closing of the Oxford parliament into 'a great spiritual drama', as Boniface and nine other bishops pronounced a sentence of excommunication in support of the reform programme. The bishops' involvement was of great significance, he argues, for their actions 'presented the Provisions as a religious enterprise, something "holy and virtuous", as the barons afterwards termed them, intended to provide for all the justice which the king had failed to provide.'¹⁹ For the bishops to have leant their spiritual muscle to the reform movement in such emphatic terms would not only have signalled their support for a revolutionary agenda but would also have represented a coming together of baronial and ecclesiastical efforts on a scale comparable to the enforcement of Magna Carta. The evidence, therefore, is worth reviewing.

¹³ *C&S*, 569-70, 572-85.

¹⁴ *DBM*, 100-01.

¹⁵ Carpenter, '1258', 196-7; Maddicott, *Simon de Montfort*, 160-61, 163.

¹⁶ *C&S*, 570.

¹⁷ R.F. Treharne, *The Baronial Plan of Reform, 1258-1263* (2nd ed., Manchester, 1971), 57-8.

¹⁸ Knowles, 'Savoy, Boniface'.

¹⁹ Maddicott, *Simon de Montfort*, 162.

When in January 1264 the Montfortians put their case to Louis IX for arbitration at Amiens, they claimed that Henry had not only sworn to abide by the decisions of the twenty-four and proclaimed that anyone opposing the Provisions would be deemed a capital enemy but that 'he caused all those who might attempt to infringe these ordinances or provisions, or in any way to oppose them, to be publicly and solemnly excommunicated by the lord archbishop of Canterbury and several of his suffragans before a great assembly of men, he himself being present and holding a candle in his hand.'²⁰ This claim is supported by several other sources. A version of the *Flores Historiarum* records that all the archbishops and bishops pronounced sentence of excommunication against 'rebels' – presumably those refusing to take the oath – and the Waverley annalist agrees that the bishops excommunicated all those who contravened the oath to abide by the reforms.²¹ The chronicle of Walter of Guisborough states that nine bishops excommunicated all those who contradicted the oath and notes that the king was holding a lighted candle.²² An anonymous poem, *De provisione Oxonie*, recorded in a later thirteenth-century hand, similarly states that: 'Our king of England/Through the counsel of his people/Would set up a new law/And summoned a great parliament/All came there, the bishops/And the barons together,/ And all that were there swore an oath/And held lighted tapers'.²³ It is the chronicle of Robert of Gloucester that gives the fullest description of a sentence of excommunication. The author describes the making and sealing of a 'charter' by the king and barons and how the bishops pronounced sentence of excommunication against all who were against the charter or broke its terms, the bishops and king holding lighted tapers which they cast down to seal the sentence.²⁴

In its description of the ritualised pronouncement of the sentence, this account sounds plausible. It is similar, for instance, to the account given by Matthew Paris of the sentence of excommunication pronounced against infringers of Magna Carta, when it was confirmed in 1253. The sentence was made in Westminster hall in the presence of a number of earls and

²⁰ *DBM*, 259.

²¹ *Flores Historiarum*, III, 254; *Waverley*, 355. The *Flores* account is at least misinformed in claiming that the sentence was pronounced '*ab ominis archiepiscopis et episcopis regni*', since the archbishop of York had died in May and the archiepiscopal see remained vacant until September. This statement mirrors the chronicler's spurious claim that the oath was provided '*ab universis et singulis aliis praelatis, comitibus, et baronibus*' (*Flores Historiarum*, III, 254).

²² *Guisborough*, 186.

²³ Cambridge St John's College, MS 112. The poem appears among a collection of Latin notes in the last seven leaves of the manuscript, written in a late thirteenth-century hand. I am grateful to Jennifer Jahner for drawing this to my attention.

²⁴ The Metrical Chronicle of Robert of Gloucester, ed. W.A. Wright (2 vols., Rolls ser., 1885), ii, 734.

nobles by the archbishop of Canterbury and an impressive contingent of thirteen bishops, who threw down their candles to seal the sentence.²⁵ On that occasion, however, Henry had refused to hold a candle himself, saying that it was not fitting for him to hold a candle since he was not a priest.²⁶ If there was a sentence of excommunication pronounced in 1258, perhaps Henry had changed his mind, since the account of Robert of Gloucester and the Montfortian testimony at Amiens agree that Henry held a candle himself.

This version of events, though, is not without its difficulties. All sources attesting to the sentence of excommunication were written some time after 1258. The first, contained in the reformers' case put to Louis IX at Amiens, might have been a deliberate or accidental misdirection, intended to imbue the Provisions of Oxford with an air of sacrality and invest them with the same authority as the Charters. The *Flores* account for 1258 was drawn up after Evesham, at Merton priory, whilst Robert of Gloucester's account comes from the late thirteenth century and describes a scene so similar to that of 1253 that one suspects the author might be confusing the two.²⁷ The Waverley account was written retrospectively to explain events leading up to the battle of Lewes, whilst the account in Walter of Guisborough was written in the early fourteenth century. It is possible, too, that some of these accounts confused the events of 1258 with those of the Hilary parliament of 1265. There, in an assembly at Westminster composed of a highly partisan body, consisting of a relatively small number of Montfortian magnates, together with over one hundred ecclesiastics as well as knights and burgesses from the localities,²⁸ nine bishops holding lighted candles pronounced sentence of excommunication against 'all those who dared to do anything against the Charters of liberties and forest or against the [Montfortian] statutes that were provided the previous year.'²⁹ That Walter of Guisborough gives the number of bishops pronouncing excommunication against breakers of the oath at Oxford in 1258 as nine, the same number as given in the *Cronica Maiorum et Vicecomitum Londoniarum* as pronouncing sentence in the Hilary parliament of 1265, suggests that Guisborough conflated the two events. It is possible that the bishops' pronouncement in 1265, made later and in very different circumstances to

²⁵ *CM*, V, 375-7.

²⁶ *CM*, V, 377.

²⁷ Robert of Gloucester's reference to a charter being made and sealed in 1258 also suggests that the author was conflating this event with the confirmation of Magna Carta in 1253, since the reform programme was not drawn up in a charter at the reforming parliaments.

²⁸ Maddicott, *Simon de Montfort*, 317.

²⁹ *Cronica Maiorum*, 71.

those of 1258, when Montfort enjoyed extensive ecclesiastical support, and the Provisions of Westminster had been published in the counties,³⁰ might have been superimposed retrospectively on to the original reform parliaments.

Moreover, such an enthusiastic endorsement of the reform programme in its initial stages would seem incongruent with episcopal activity up to this point. At Westminster the prelates had steered away from directly supporting the baronial agenda directly. As we have seen, according to the Tewkesbury annalist the bishops had withdrawn from the Westminster parliament, after the king's request for an aid had been put but before the march on the king's hall, 'lest they incur the anger of the king'. Given their evident desire to distance themselves from baronial action at this point, their support for the baronial programme at Oxford would seem out of place. The prelates had also met separately from the lay parliament at Oxford in June, at least initially. Although it would have been possible for them to join the barons at some point during the Oxford parliament following their own meeting at Merton and Westminster, the account of the Tewkesbury annalist claims that they declined to do so. The annalist states that the prelates and clergy did not attend the Oxford parliament, taking a cautious attitude since they had met so recently to discuss the state of the Church but had not made any provisions.³¹ Powicke and Cheney suggested that this is why the prelates did not publish their provisions: Boniface and his suffragans were awaiting the outcome of the Oxford parliament in order to see which way the wind was blowing before making their next move.³² Such caution was understandable. The prelates would have been aware that the magnates were gathering at Oxford with horses and arms. Although it was claimed that the armed muster was in preparation for a campaign in Wales, Matthew Paris recognised it as a

³⁰ Maddicott, *Simon de Montfort*, 227-8, 314.

³¹ The order in which the Tewkesbury annalist presents the parliaments is out of sequence. He states that, following the demands put by master Arlot the papal nuncio for the delivery of the money promised to the pope for Sicily on 23 April, all the magnates of the kingdom met at Oxford, although the bishops and clergy were absent, '*forte aliqua cautela mediante*', since they had only recently held a discussion at Merton concerning the state, oppression and restoration of the English Church, but nothing had been accomplished (*Tewkesbury*, 163). This is then followed immediately by what appears to be first hand testimony of the dramatic conclusion of the Westminster parliament – the king's request for an aid on 28 April and the march on the king's hall three days later (Carpenter, '1258', 188). This account includes the withdrawal of the bishops after the king's request for an aid. The annalist's account of the Oxford parliament that includes the absence of the bishops sounds plausible, since he knew about the prelates' meeting at Merton and felt able to offer their possible motivations for their absence at Oxford. Presumably after writing his brief account of the Oxford parliament he received the newsletter about the Westminster parliament.

³² *C&S*, 570.

preliminary for civil war between the Lusignans and their adversaries.³³ Presumably he was not the only one to see through the deception and, if the prelates had recognised the danger, they would have been wise to steer clear of Oxford.

The royal charter witness lists would seem to confirm the absence of almost all of the bishops from Oxford in June. The only prelates witnessing charters issued during this parliament, between 12 and 20 June, were Fulk Basset and Walter de Cantilupe.³⁴ Both had been members of the king's council; now they were both elected to the council of twenty-four to discuss provision for the reform of the realm. Whilst Fulk Basset joined on the king's side, Walter de Cantilupe had joined as one of the baronial twelve. Boniface of Savoy might also have been present at the parliament as a member of the council of fifteen, though the absence of his name from the charter witness lists would suggest otherwise. He is recorded at South Malling (Sussex) from the 20 June so, at the least, he cannot have stayed for the duration of the parliament.³⁵ Other councillors, Roger Mortimer and Humphrey de Bohun, had also been appointed even though they were absent.³⁶ Therefore the only bishops involved in the construction of the reform programme during the Oxford parliament, who might have pronounced the sentence of excommunication, were Walter de Cantilupe and Fulk Basset.³⁷ It seems unlikely, then, that Boniface led the bishops in issuing a sentence against those obstructing the reform programme.

If any bishops had sought to uphold the reform programme by sentence of excommunication, then they were stepping well beyond the boundaries of precedent. Whilst the use of ecclesiastical censure to enforce Magna Carta and the Charter of the Forests had become an important part of episcopal identity, the use of this sanction to enforce the programme of reform in 1258 was a different matter entirely. There were, for instance, practical problems with the application of such a sentence. Unlike Magna Carta, the series of measures that later came to be known as the Provisions of Oxford were never published. Even if the sentence of excommunication was proclaimed in front of a large crowd at Oxford in

³³ Carpenter, '1258', 195-6.

³⁴ *RCWL*, 120-21.

³⁵ Williams, *Boniface of Savoy*, 470.

³⁶ *DBM*, 104-05.

³⁷ The bishop of Salisbury is named as one of the twenty-four appointed by the community to negotiate for an aid for the king, though there is no evidence of this group of twenty-four meeting (*DBM*, 104-05 and n. 13).

1258, it is not clear how it would have worked in practice when most people were unaware of the contents of the reform programme. Even Matthew Paris, well-informed in other respects, knew nothing of the council of fifteen or its powers, and complained about the barons' decision not to publish their reforms.³⁸ Only those privy to the details would know if somebody had contravened or inhibited the measures of the reformers. This still allowed those individuals present to police their own actions by searching their consciences for any activities that would automatically incur the sentence. Those prelates pronouncing the sentence, as long as they had an understanding of the reform programme, would also have been able to pronounce judgement if they were called in future to judge whether a person had contravened the reforms. One possibility is that the sentence could have been used specifically to enforce the oath taken by those at the Oxford parliament to abide by the measures imposed by the council, so that its remit was intended to be limited to those present who knew of the reform programme. Yet, if the bishops had deployed a sentence with such narrow scope, enforceable only by a small circle of senior clergy, their actions were highly anomalous. The contents of Magna Carta and the Charter of the Forests were widely known, or at least were intended to be. Each re-issue was distributed to the counties and both Charters, on these occasions, were to be read by the sheriff in the county court in the vernaculars: 'every step was taken to make sure that the texts were known.'³⁹ In 1253, the bishops had made special efforts to publish the sentence of excommunication that upheld the Charters.⁴⁰ The sentence was widely published, read out in parish churches across England accompanied by lighted candles and the ringing of bells on Sundays and feastdays.⁴¹ In the dioceses of Lincoln and London the sentence was read in public meeting places, in the county, hundred and other secular courts, by priests with crosses and handbells.⁴² The result was that the sentence was 'impressed indelibly on the hearts of all.'⁴³ According to Matthew Paris, Grosseteste had ensured that the sentence made the ears of the listeners ring and their hearts fearful.⁴⁴ In 1255, the sentence was republished by order of Innocent IV in response to a request for its confirmation by the English bishops. The deans of London and Lincoln were charged with executing the papal mandate and sent letters promulgating the sentence across

³⁸ D. A. Carpenter, 'Chronology and Truth: Matthew Paris and the *Chronica Majora*', forthcoming.

³⁹ J. C. Holt, *Magna Carta* (2nd ed., Cambridge, 1992), 400-01; Clanchy, *Memory to Written Record*, 220.

⁴⁰ Carpenter, 'Magna Carta 1253', paras. 2-4.

⁴¹ From the *Chronicle of John of Wallingford*, in C&S, 477.

⁴² *Chronicle of John of Wallingford*, given in C&S, 477.

⁴³ *Chronicle of John of Wallingford*, given in C&S, 477.

⁴⁴ CM, V, 378; c.f. I Samuel 3:11.

England to all bishops and their officials, archdeacons, deans and other diocesan officials.⁴⁵ These men were to publish the sentence 'distinctly and lucidly' in English and French wherever and whenever they deemed expedient.⁴⁶ A transcript of the sentence with its confirmation was sent to them 'so that you may have a copy of it, and may cause others to have a copy of it, so that it may come to the notice of all, lest anyone wishes to excuse himself on account of ignorance.' In addition, the deans of London and Lincoln also dispatched copies of Magna Carta and the Charter of the Forests for the recipients to transcribe, so that the Charters could be distributed or in other ways brought to public attention in the same manner as the confirmation of the sentence, 'lest reproach envelop unknowing people through ignorance.'⁴⁷

The point was that all subjects would be aware of the contents of the Charters and that a sentence of excommunication would befall them if they contravened them. In the case of *latae sententiae*, in which sentence automatically fell upon a person when they committed a sinful act, without the need for any legal judgement pronounced in the church courts or in the confessional,⁴⁸ all at risk would need to be aware of those offences that would bring the sentence down upon them. This would hopefully act to discourage them from committing the offence in the first place, but, failing that, would at least provide them with the opportunity, in recognising their culpability, to submit to the sentence and seek absolution. It was the contumacy implied in ignoring one's sentence that imperilled the soul,⁴⁹ a result that would seem more than likely if *latae sententiae* were not advertised sufficiently to those at risk. Since the 1258 reforms were not published, it seems doubtful whether all present at the Oxford parliament outside the inner circle of reformers would have been fully advised of the programme of reform. Even if the sentence was used specifically to uphold the oath to abide by the reforms, this would still mean that many would be at risk, since, if they were not fully apprised of the content of the reform programme, they might break their oath inadvertently and thus bring the sentence down upon themselves. More generally, to deploy a *lata sententia* in such a limited fashion would be highly unusual. The parliament at Oxford had drawn a

⁴⁵ Burton, 320-2.

⁴⁶ Burton, 322; Clanchy, *Memory to Written Record*, 266; Vincent, 'The Thirteenth Century [bishops of Ely]', 43-4.

⁴⁷ Burton, 322.

⁴⁸ For *latae sententiae*, see: E. Vodola, *Excommunication in the Middle Ages* (California, 1986), 28-35.

⁴⁹ Vodola, *Excommunication*, 42-3.

sizeable crowd – potentially 137 tenants-in-chief accompanied by their knightly retinues.⁵⁰ Yet even if the sentence had been proclaimed to an audience consisting of most of the assembled nobles – the ‘great assembly of men’ recalled in the Montfortian case at Amiens – this was nothing compared to the dissemination of the sentence of excommunication applied to enforce Magna Carta and the Charter of the Forests. Only a relatively small contingent familiar with the contents of the reform programme would know if its measures had been infringed. Only those assembled at Oxford had taken the oath to adhere to the reforms and only a few members of the senior clergy would be able to adjudicate the sentence. This would rather take the ‘*lata*’ out of the ‘*sententia*’. This does not mean that so such sentence was pronounced but it does make it highly unlikely.

Even if a sentence was pronounced, it did not necessarily signal a wholehearted episcopal endorsement of the reform agenda. If Boniface and some of his suffragans had wished to enforce the reforms effectively on a larger scale, as they had with Magna Carta and the Forest Charter, they might have done so in October, when a letter was sent out in Henry’s name ‘to all his faithful subjects, clergy and laity’, proclaiming a commitment to abide by the decisions of the council and ordering all subjects to swear to do the same, lest they be considered mortal enemies.⁵¹ The act was intended ‘to be firm and enduring’ and so copies were sent in English, French and Latin ‘to every county to remain there in its archives.’⁵² The letter was witnessed by the council of fifteen (minus John Mansel and plus Hugh Despenser and Roger de Queincy), including Boniface of Savoy and Walter de Cantilupe.⁵³ If the bishops had pronounced sentence of excommunication in support of the oath or the reform programme in June, this would have been the time to mention it. It would also have been the moment, had the bishops so wished, to publish the sentence in parish churches and public places across England, with handbells and raised crosses, as had been done to advertise the sentence used to enforce the Charters in 1253. It is just possible, if one accepts doubtful evidence and allows for ill-considered or haphazard actions undertaken in the heat of political crisis, that a small number of bishops did seek to enforce the reform programme initially in June. It can be stated with certainty, though, that given the opportunity once the dust had settled to commit themselves to the reform programme, they chose not to do so.

⁵⁰ Maddicott, *Simon de Montfort*, 157.

⁵¹ *DBM*, 116-19.

⁵² *DBM*, 116-17; Clanchy, *Memory to Written Record*, 221-3.

⁵³ *DBM*, 118-19.

Boniface of Savoy

Events at Westminster need not have presented the bishops with a stark alternative between joining either the baronial faction or the royal party, on the one hand, or withdrawing altogether from affairs on the other. There had been an alternate course open to Boniface of Savoy at Westminster in April and, if he had taken it, the situation might never have escalated in such a way at the Oxford parliament. In 1213 and 1234, the archbishop of Canterbury had stepped in when disputes between king and barons threatened the peace of the realm. Using their unique power as primate of England, Langton and then Edmund had called the king to account for his wayward actions and remade him symbolically, transforming him into a pious king fit to rule in the interests of the kingdom. In 1258, Boniface of Savoy could have imitated the actions of Langton and Edmund. The time to have done this might have been during the Westminster parliament, either after the king had refused to hear the complaint of John fitz Geoffrey concerning Aymer de Valence or, at the very latest, when Henry issued his request for an aid on 28 April.⁵⁴ It was at this point, however, that the bishops withdrew 'lest they incur the anger of the king.'⁵⁵ It seems unlikely, given the bishops' vociferous resistance to royal taxation over the preceding few years, that their withdrawal at Westminster was due to their timidity in refusing the royal request. They might well have sensed that trouble was afoot, since the atmosphere of the Westminster parliament was extremely tense. The king's refusal to hear John fitz Geoffrey had sparked resentment about Henry's protection of his unruly half-brothers.⁵⁶ Insults had been exchanged between the Lusignans and the earls of Gloucester and Leicester; Montfort had launched himself at William de Valence, and a brawl had only been prevented by the bodily intervention of the king himself.⁵⁷ Although the atmosphere was hostile, this would have been the very moment to intervene, as Langton and Edmund had done in similarly difficult situations. Edmund's actions in particular would have provided a significant precedent, since the demands he put to the king included the removal of untrustworthy counsellors who, it was said, were turning the soul of the king from the love of his people and the hearts of the people from the king.⁵⁸ On that occasion, Henry had responded positively by dismissing Peter des Roches and Peter de Rivallis. Even if Henry's affection for his half-brothers was far greater than that which he had held for his ministers in

⁵⁴ Carpenter, '1258', 187, 192-3, 195.

⁵⁵ *Tewkesbury*, 163.

⁵⁶ Carpenter, '1258', 192-3.

⁵⁷ *CM*, V, 676-7; Carpenter, '1258', 193.

⁵⁸ *CM*, III, 269.

1234, he might still have been willing to listen to advice when framed in a suitable fashion by the archbishop of Canterbury.

Yet Boniface declined to take any such action. The obvious explanation is that he recognised in the baronial agenda an opportunity to move against the Lusignans. Boniface, like John fitz Geoffrey, had been the victim of Lusignan banditry. In 1252, Aymer de Valance, the bishop-elect of Winchester and one of Boniface's own suffragans, in league with his brother William and others, had launched an attack on the archbishop's palace at Lambeth. Money and valuables had been stolen and the archbishop's servants carried off to Farnham Castle.⁵⁹ Aymer, protected by the king, was let off scot free. Boniface would have sympathised heartily with John fitz Geoffrey. If he was forewarned of the demand that the group of barons were to put to the king in Westminster Hall on 1 May – the removal of the Lusignans – he might well have decided to turn a blind eye. In so doing, moreover, Boniface as a member of the Savoyard party would have had more than personal reasons for ousting the king's half-brothers. The queen and her Savoyard relatives had for several years been seeking to protect the lord Edward's patrimony from the king's enthusiastic patronage of the Lusignans.⁶⁰ Yet, in the months before the Westminster parliament, Edward turned to the Lusignans for cash to finance a campaign against the Welsh, and began to fall under their influence.⁶¹ Among the reformers in 1258 were several of Edward's councillors, like Peter de Montfort and John fitz Geoffrey, who had been injured by the Lusignans and saw Edward's allegiance to them as 'the last straw.'⁶² Peter of Savoy, the queen's uncle and Boniface's brother, was in fact one of the sworn confederates who on 12 April at Westminster, as hostilities boiled between the curial barons John fitz Geoffrey, the earl of Gloucester and the earl of Leicester, on the one hand, and the Lusignans on the other, promised to give mutual aid. In all likelihood this was a precaution against further Lusignan threats.⁶³ Even the queen, according to the Waverley annalist, had welcomed the reforms of 1258 because they meant the exclusion of the Lusignans from court.⁶⁴ Boniface took full advantage of the opportunities afforded by the baronial coup to take action against his adversaries, obtaining redress from the council of fifteen for the disseisin of a fee in Preston (Kent) which William de Valence had perpetrated against him in

⁵⁹ Carpenter, '1258', 191.

⁶⁰ Ridgeway, 'The Lord Edward'.

⁶¹ Ridgeway, 'The Lord Edward', 90, 94.

⁶² Ridgeway, 'The Lord Edward', 93-4.

⁶³ Carpenter, '1258', 194.

⁶⁴ *Waverley*, 355.

1255.⁶⁵ The archbishop took his place on the council of fifteen, therefore, at least partly as a representative of a faction that lent tacit support to the reform programme, if only in order to pursue the limited agenda of the expulsion of the Lusignans.

There was, perhaps, another reason for the failure of Boniface to intervene in 1258 in the manner of his predecessors. This was the archbishop's pursuit of an ecclesiastical agenda even to the detriment of the king's position. As discussed in chapter two, prelates had met regularly over the course of the 1250s in response to Henry's demands for financial aid and had been forged into a self-confident corporate unit with a strong conception of its rights and interests. Boniface had been absent abroad from several of these meetings, pursuing family interests in Savoy from May 1254 to November 1256.⁶⁶ Still, the actions of Boniface in 1257 and 1261 show how, on his return, the archbishop increasingly interpreted his role as leader of this group as a fearless and determined defender of ecclesiastical liberties, the successor of Becket and Edmund of Abingdon.

In August 1257, Boniface showed his determination to lead the prelates in the fight for ecclesiastical liberties, even though his stance threatened to undermine the peace and security of the kingdom. Boniface had summoned a provincial council to meet in August 1257 at London.⁶⁷ Henry III, busy in campaign against the Welsh, had strictly forbidden the council from being held in his absence. The prelates, as tenants-in-chief, had been summoned to provide service for the royal army. The king pointed out that the prelates' absence could bring danger to king and kingdom.⁶⁸ The agenda for the council set out by Boniface shows that the archbishop, far from submitting to the king's order automatically, thought a debate was needed as to

'whether it is right and proper and expedient for the prelates to discuss the business of the Church in a convocation of this sort, or rather to submit to the prohibition of the king; especially since the lord archbishop presents himself to pursue personally the cause of the Church in the aforementioned [grievances] and in all other matters, if it is necessary, wishing to spare no losses or expenses whatsoever, provided that the suffragans and clergy of his province wish to stand by him harmoniously in defence of the aforesaid rights by providing counsel and aid.'⁶⁹

⁶⁵ Carpenter, '1258', 192.

⁶⁶ Williams, *Boniface of Savoy*, 469.

⁶⁷ Burton, 401-02; C&S, 531-2.

⁶⁸ CR 1256-9, 142.

⁶⁹ Burton, 402-03; C&S, 532-3.

The response he received from his prelates was that the English clergy should remain firm in their purpose.⁷⁰ The prelates met as planned, in defiance of the royal prohibition, and discussed a series of proposals for the protection of ecclesiastical liberties.⁷¹

Looking forward to 1261, the actions of Boniface show again that he was willing to pursue his ecclesiastical agenda committedly, even at the expense of the kingdom's peace. The collapse of the baronial council in November 1260, and the rebuilding of the royal court in December, allowed Henry, for the first time, to give his account of events to the pope. The impression created by the barons for Alexander IV in 1258 had been of a penitent king renouncing the evil counsel of the Lusignans and gratefully accepting the assistance of the new baronial council for the reform of the realm.⁷² This illusion could now be dispelled. Henry dispatched John Mansel Junior to the papal court at the end of January 1261.⁷³ Alexander's responses, sent over the course of April and May 1261, show that he now understood the reality of the events of 1258. The Provisions of Oxford had been set up in the king's name by certain prelates and magnates, he had heard, 'under the pretext of reforming the state of the realm', but in reality to diminish Henry's power. The oaths provided by Henry and the royal family to uphold the Provisions had been extracted 'by a kind of compulsion'.⁷⁴ Whether Alexander knew even now the full extent of baronial activities in 1258 is uncertain, for this hazy reference to 'compulsion' hardly does justice to the march of 'noble and vigorous men' on Westminster Hall that left Henry cowering in trepidation, or the confiscation of royal castles that left him at the mercy of the baronial reformers.⁷⁵ Indeed Alexander's letter, addressed to Henry and dated 13 April 1261, had made no mention of coercion. The pope's initial grasp of events was shaky; he only knew that Henry, 'induced some time ago by some sort of tumult among the magnates and men of [his] realm', had sworn to observe 'certain statutes' that diminished his power.⁷⁶ By the time a second papal letter was written on 29 April, Alexander could state that certain magnates and prelates had bound themselves by an oath to uphold these statutes and that these men had somehow coerced members of the royal

⁷⁰ Burton, 404-05; *C&S*, 535-6.

⁷¹ Burton, 406-08; *C&S*, 537-9.

⁷² *Foedera*, 373-74; *CM*, VI, 400-05; *Tewkesbury*, 170-4; *Burton*, 461-66.

⁷³ Maddicott, *Simon de Montfort*, 207.

⁷⁴ *DBM*, 241.

⁷⁵ Carpenter, '1258', 187-8; *DBM*, 90-91, 102-03.

⁷⁶ *DBM*, 238-41.

family into providing their own oaths.⁷⁷ Even if this picture was incomplete, Alexander by this point at least had the gist of the situation. Henry had not willingly provided his oath and the Provisions of Oxford diminished his power. This was all the information that the pope needed to quash the Provisions and annul all oaths that upheld them.

Rightfully confident that Alexander would respond supportively to this news, in early May Henry set about securing the south-east for John Mansel's return.⁷⁸ At the very moment, however, that he expected his position to be buttressed by the support of the papacy, the archbishop of Canterbury and his suffragans appeared to be undermining his position. A council of the province of Canterbury assembled at Lambeth on 8 May, once again whilst the king was absent, this time in Canterbury.⁷⁹ It was held in obedience, apparently, to papal orders that sought to procure financial support in response to the Mongol invasion of Hungary.⁸⁰ If this matter was discussed, it can only have been in the most cursory terms, for during the week or so of the council there seems to have been only one real topic of discussion. This was the resurrection of the complaints about royal attacks on ecclesiastical liberty that had dominated the ecclesiastical meetings of the 1250s, discussed in chapter two. Although several amendments had been made to the detail, so that they represented more than just the publication of the earlier schedules,⁸¹ the essentials of the complaints were the same. The king violated all manner of ecclesiastical liberties. He summoned clerks to appear before secular courts and distrained bishops through their lay fees, forcing them to compel their clerks to attend. Those Church lands in his care during vacancies he despoiled and diocesan visitations were hindered because Henry forbade bishops from taking oaths from their subjects.⁸²

In some sense, the Constitutions of Lambeth were uncontroversial. Their claims accorded with canon law, many were generations old and had last been voiced only three years previously, so that their content should not have come as a shock. Certainly, when Urban IV read through them in 1263, he could only see that they 'maintained justice and

⁷⁷ *DBM*, 240-43.

⁷⁸ Maddicott, *Simon de Montfort*, 209.

⁷⁹ *Flores Historiarum*, II, 465, 468-9. The royal charter witness lists put Henry in Dover on 4 May and Canterbury on 9 May (*RCWL*, 133).

⁸⁰ *C&S*, 660-01; *Flores Historiarum*, 465; *Gervase*, 212-13.

⁸¹ For a full explanation of the texts of the Council of Lambeth and its relationship with those of 1258, see *C&S*, 660-67.

⁸² *C&S*, 671-85.

honour'.⁸³ Yet to Henry they represented a stab in the back. The letter of complaint he directed to Urban was indignant:

‘although publicly it was believed by all that he [the archbishop] wished principally to provide a subsidy [to aid the cause against the Mongols], since this was specially demanded of him through the providence of your paternity, putting on a show of obedience, holding us and our magnates of our kingdom in contempt and excluding us, he ordained, constituted and decreed many things to be observed under the commination of anathema by the authority of the aforesaid council, to the diminution of the status of our crown and our dignity, and to the subversion of our rights and the laws, liberties and customs of our kingdom’⁸⁴

This claim is understandable from Henry’s point of view. After all, the schedules of complaint of the 1250s had been drawn up for his consideration as part of negotiations between the king and the Church. In contrast, he and his men had not been invited to the Council of Lambeth. Indeed, they had been excluded, giving the impression of a *fait accompli*.⁸⁵ Moreover, the publication of the Church’s complaints as official statutes,⁸⁶ to be enforced by the threat of anathema,⁸⁷ must have looked like a serious attempt to inhibit what Henry saw as the normal and lawful operation of royal government. The timing of the council, moreover, was significant. As Henry saw it, perhaps understandably, the bishops had taken advantage of the papal order regarding the Mongol threat to meet and plot an attack on the Crown.⁸⁸ Crucially, the Constitutions came at the very time that Henry was working to rebuild his position, when any concerted opposition would look like a deliberate attack against him. More upsetting even than the sinister timing of the council was the pivotal role played by the archbishop of Canterbury. Henry must have expected Boniface to join his kinsmen Peter of Savoy and Richard of Cornwall in the vanguard of the royal revanche. Instead of aligning himself with the royal party, however, Boniface set himself up as a critic of royal policy.

Coming at a time when Henry’s position was so precarious, the king understandably interpreted the Constitutions as a painful treachery. It was also, however, a potentially serious threat to his plan to restore himself to full power. Having recently sent to the pope, he would have been relying on Boniface to publish the forthcoming bulls dissolving all oaths to the

⁸³ *Foedera*, 424; *C&S*, 662.

⁸⁴ *CR* 1259-61, 481.

⁸⁵ *CR* 1259-61, 481.

⁸⁶ *C&S*, 663.

⁸⁷ This was Henry’s impression, although the enforcement of the statutes by sentence of excommunication is not mentioned in the text of the statutes or in the chronicle accounts (*CR* 1259-61, 481).

⁸⁸ *CR* 1259-61, 481.

Provisions of Oxford. The archbishop's activities at Lambeth must have raised serious doubts about his reliability. Henry wrote furiously and repeatedly to the pope to protest against Boniface's behaviour. The king requested that the pope refrain from confirming the Constitutions of Lambeth.⁸⁹

In reality, Boniface probably never intended to pose a serious threat to Henry's recovery of power. Although when Urban IV wrote in 1262 to confirm Alexander's ruling he had noted that Boniface had failed to proceed with the execution of his predecessor's mandate (owing, he understood, to Alexander's death),⁹⁰ Boniface had actually made efforts to act on Alexander's orders. The archbishop wrote in August 1261 to John Mansel, reciting the papal bull that ordered them both to dissolve the reforming oaths and coerce the magnates into obedience. Mansel was to command Hugh Bigod, by threat of ecclesiastical censure, to release the castles of Scarborough and Pickering to the king.⁹¹ This action evidently failed to appease Henry who, still furious about Boniface's actions at Lambeth, continued to direct complaints about the archbishop and his suffragans to the pope, writing at the end of October 1261 and again in January 1262.⁹² Clearly, in Henry's view, Boniface's commitment to the royal restoration was suspect.

Significantly, the Constitutions of Lambeth show how Boniface played out what he felt to be his allotted role as archbishop of Canterbury. He took the first opportunity that presented itself – the papal call to meet the Mongol threat – to reinvigorate his pursuit of ecclesiastical liberties. This was part of a self-conscious, cultivated identity based on the heritage of his office. In the carefully crafted preamble to the Constitutions, the archbishop deliberately placed himself in the line of archbishops of Canterbury, including Saint Edmund, who had taken up the struggle against kings who had sought to trample on the liberty of the Church.⁹³ He recounted how archbishops of Canterbury and their suffragans, past and present,

⁸⁹ *CR* 1259-61, 481-2; *Foedera*, 410; *CPR* 1258-66, 197.

⁹⁰ *DBM*, 250-51. Treharne and Sanders doubted the accuracy of this accusation, given that Henry published Alexander's bulls in June 1261. They suggested that Henry had sought a confirmation of Alexander's bulls both because of the opposition he faced in the latter half of 1261 and the election of a new pope, implying that that the comment on Boniface's lack of action was a misinterpretation of events (*DBM*, 250-51 n.1).

⁹¹ *Foedera*, 408.

⁹² *Foedera*, 410; *CPR* 1258-66, 197.

⁹³ '*Sane attendentes olim patres et predecessores nostri Cantuarienses archiepiscopi, totius Anglie primates, et suffraganei eorundem, et potissimum temporibus parum retro decursis amicus dei beatus Eadmundum decessor noster, cuius memoria in benedictione et inter electos sors eius est computata,*

had approached the king and his counsellors, warning them of the danger to their souls and the honour of the kingdom that resulted from attacking ecclesiastical liberties, reminding them how the Egyptians had been struck down by many plagues because they had confined God's people, the Israelites, the forerunners of the Christian priesthood, to servitude in clay and brick,⁹⁴ subjecting them undeservedly to slavery, against the precept of God and the privilege of natural law.⁹⁵ The bishops' efforts, though, had drawn no response.⁹⁶ Soaked in righteous indignation, Boniface's identification of Henry with Pharaoh and, by extension of himself with Moses, elaborated his sense of occupational responsibility.

However, as much as Boniface sought to align himself with Edmund of Abingdon, the very fact that he held such a meeting at a time of regnal crisis shows that his attitude was fundamentally out of line with that of his sainted predecessor. Whilst both might have shared an interest in ecclesiastical liberty, the actions of Boniface in 1257, 1258 and 1261 represented a very different mindset to those of his predecessor. Stephen Langton and Edmund of Abingdon had approached the king to confront him with his transgressions, carefully maintaining their loyalty to him and facilitating a transformation in his actions. They had worked with the king to achieve their goals. Boniface, meanwhile, had excluded the king from his considerations and acted independently. At Lambeth, rather than presenting *gravamina* to Henry as a loyal subject and inviting him to amend his ways, Boniface used them to label the king – in a set of legal clauses – as a transgressor of ecclesiastical liberties. Whilst the actions of Langton and Edmund had ultimately been intended to strengthen the king and secure the peace of the realm, those of Boniface undermined Henry's position when the peace of the kingdom was under threat. Boniface showed, therefore, in 1257, 1258 and 1261, how

nosque qui licet immeriti in locum regiminis sibi immediate successimus cum fratribus et coepiscopis nostris suffraganeis Cantuariensis ecclesie nostris temporibus sollicite ponderantes...' (C&S, 669-70).

⁹⁴ Exod 1: 14.

⁹⁵ '*quod gravamina et oppressiones quibus in Anglia libertas ecclesiastica premitur et calcatur illustri domino regi nostro nequaquam accedunt ad comodum, sed potius ad non modicum salutis sue et nostre simul periculum et honoris tam persone sue quam totius regni sui notorium detrimentum, ipsum frequenter monuimus et supplicavimus ei ac supplicari fecimus cum instantia sepius reverenter, necnon apud principes, magnates, et consiliarios quorum moderamine regni negotia disponuntur, precibus et exortationibus pulsavimus inopportuna oportunitate et oportuna inopportunitate frequenter, quatinus intra memoriam revolventes quot plagis Egiptii fuere percussi pro eo quod populum domini, filios Israel, typum gerentes ministrorum altaris, in luto servire cogeabant et latere, subicientes eos indebite servitiis, contra preceptum dei et iuris privilegium naturalis quo quis tenetur alteri non facere quod nollet ab alio sustinere*' (C&S, 670).

⁹⁶ '*Licet autem in precibus inculcandis diu laboraverimus sustinendo et sustinuerimus laborando, adhuc tamen instantia nostra sepius iterata ad exauditionis gratiam ingressum mereri non potuit nec effectum sortiri diutius expectatam*' (C&S, 670).

he was prepared to privilege other agendas – whether they were those of the Savoyard party or of the English Church – before the king and the realm. Whilst the preamble to the Constitutions suggests that Boniface took no small pride in his actions, the precedents of 1213 and 1234 indicate that Langton and Edmund would have taken a dim view of their successor's activities. Under the direction of a different leader, the English bishops in 1258 and 1261 might well have taken a firmer eirenic hand.

The dilemma presented by baronial reform

Boniface's privileging of the cause of *libertas ecclesiae* and Savoyard interest over the protection of royal power might go some way to explaining the general lack of episcopal involvement in the events of 1258. Whilst Fulk Basset was a member of the king's twelve, almost all of the bishops declined to participate on one side or another. Only one, Walter de Cantilupe, joined the baronial party in its initial stages. The divergence of the paths taken by Basset and de Cantilupe, colleagues and erstwhile allies, highlights how unusual de Cantilupe's actions were. In 1255, the two bishops had led the episcopate in opposing Henry's demand for a clerical aid to support his Sicilian venture. According to Matthew Paris, when Rostand, the papal nuncio, had set out the pope's demands, Fulk Basset had replied: 'I will surely be beheaded before I can consent to the servitude and injury and intolerable oppression of the Church'. De Cantilupe rushed to support his colleague: 'I will be condemned to hanging before the holy Church is exposed to ruin'. Inspired by their example, the others present 'promised firmly that they would follow the footsteps of the blessed martyr Thomas, who permitted himself to be struck dead for the liberty of the Church.'⁹⁷ It was Fulk Basset who, according to Paris, went furthest in opposing Henry's demands in 1255, rallying the English clergy to resist Rostand's demands and, when consequently faced with the wrath and threats of the king, dared Henry to do his worst.⁹⁸ Both Basset and de Cantilupe had been suspended from the king's council in 1255 for their opposition. The two had also, perhaps, shared a similar attitude to diocesan responsibilities since Basset, like de Cantilupe, moved in the same circles as de Cantilupe as a correspondent of Adam Marsh and, like de Cantilupe, was a vigorous defender of diocesan rights.⁹⁹ In 1258, however, they took very different paths. Although, unlike the other bishops, they both remained at the heart of political events and

⁹⁷ *CM*, V, 525-6.

⁹⁸ *CM*, V, 526.

⁹⁹ *Letters of Adam Marsh*, 176-83. For some account of Basset's activities see: R. M. Franklin, 'Basset, Fulk (d. 1259)', *ODNB* (2004), available online at <http://www.oxforddnb.com/view/article/1638>.

attended the Oxford parliament, Basset did so as one of the twelve selected by the king to represent royal interests in the council of twenty-four.¹⁰⁰ Matthew Paris, who had wholeheartedly approved of Basset's attitude in 1255, framed the bishop of London's stance in 1258 as a desertion:

'Yet in this difficult affair and most happy renewal and arrangement of the whole kingdom, Fulk bishop of London was lukewarm and remiss more than was fitting or expedient, he who in this business blackened his reputation more [than the other bishops], since he was of nobler birth than the others. And thus in his lap rested the hope of the barons; and several of them were moved to anger at this change of direction, since they had trusted in him to justify the king with the people.'¹⁰¹

Yet Paris' assessment of the situation is arguably deceptive. In expecting Basset to support the reformers, Paris implicitly connected the defence of ecclesiastical liberty promoted by Basset and de Cantilupe in the 1250s with the cause of baronial reform, and presented Basset's refusal to participate in the reform programme as unusual and disappointing. In fact, since de Cantilupe was the only bishop to support the reformers in the parliaments of 1258, and to participate in the coercion of the king, it was his actions that were anomalous.

Why, then, did most bishops refuse to join the reformers? One of the few modern authorities to comment on the episcopate's lack of involvement in the baronial plan of reform in 1258 is Reginald Treharne. For him, the explanation was simple. Henry III had a significant hold over the episcopate: he had interfered so effectively in elections that by 1258 the archbishopric of Canterbury and six bishoprics were held by his own nominees; the remainder of the bishops 'were nearly all timid, peace-loving men, incapable of emulating Grosseteste's resistance to royal tyranny'. Meanwhile, 'the Church was tending increasingly during this period to a policy of separation and isolation from the laity in all political matters.'¹⁰² Yet Treharne's explanation is unconvincing. No matter how many candidates Henry had successfully put forward, he still held a minority share in the episcopate. In any case, royal nomination or support in election did not necessarily preclude significant opposition to the king. Boniface of Savoy, as we have seen, did not allow his position as the king's chosen archbishop or the queen's uncle from undermining Henry's bid for recovery in 1261. Moreover, the English bishops were hardly 'timid and peace-loving men'. In 1255, according to Matthew Paris, they had followed the lead of Fulk Basset and Walter de Cantilupe

¹⁰⁰ *DBM*, 100-01.

¹⁰¹ *CM*, V, 705.

¹⁰² Treharne, *Baronial Plan*, 57-8. Treharne puts forward Cantilupe and Basset as exceptions from the 'timid and peace-loving' episcopate in 1258, not noting that Basset actually appeared on the king's side in 1258.

in pronouncing themselves prepared to follow the footsteps of Thomas Becket and die for the liberty of the Church.¹⁰³

Treharne's point that the bishops were uninterested in secular matters seems to echo the sentiments of Sir Maurice Powicke:

'Most writers take the view that the prelates, with selfish folly, withdrew from the field and missed a great opportunity. This view depends at bottom upon a conception of a national Church and of a canonical system inconsistent with the trend of recent developments. In any case, Henry's determination to use the wealth of the clergy in a papal enterprise which had the sanction of ecclesiastical penalties had cut the ground from under their feet. Langton had quite different emergencies to face. Grosseteste, as we have seen, could not avoid the dilemma between acquiescence and rebellion in the name of the true plenitude of papal power. St. Edmund of Abingdon had realized how the ecclesiastical world was changing, when he retired to Pontigny during the legation of the cardinal Otto. St. Edmund took St. Thomas of Canterbury as his model, but he was far more remote than St. Thomas was from the considerations which guided papal action.'¹⁰⁴

If Powicke was suggesting that the growing alliance of the papacy with the English king came to exclude the episcopate from taking an interest in governmental policy, lest their disobedience be taken for rebellion against the pope, then this explanation seems misplaced. Firstly, as discussed in chapters one, two and three, there was indeed a concept of a 'national' or regnal Church, in the sense that the English episcopate had in the past taken a leading role in regnal affairs and acted concertedly in the interests of the kingdom and the community of the realm. Secondly, the alliance of pope and king in the Sicilian business did not hamstring the episcopate but provoked them into concerted and unified resistance. In their meetings of the 1250s, the bishops showed themselves willing to face royal anger and papal disapproval by obstructing the Sicilian venture to the best of their ability, within the boundaries of legitimate action, even if it meant pushing those boundaries as far as they dared.

Nor was there any great divide between the bishops and magnates that would have prohibited the bishops from supporting the reform of government. The conceptualisation of 'Church' and 'State' as separate entities with discrete interests would have made little sense to bishops at the time. The weight of research into the scholarly writings of Stephen Langton by John Baldwin, Phillipe Buc and David d'Avray, as well as the work of Robert Grosseteste surveyed in chapter four, shows how secular power was conceptualised in scriptural terms,

¹⁰³ *CM*, V, 525-6.

¹⁰⁴ Powicke, *Henry III*, 382 n. 1.

and how keenly the English bishops felt their responsibility, set out in divine instruction, to oversee government. In 1225, 1232, 1237, 1239, and as recently as 1253, the English bishops had demonstrated their sense of responsibility for ensuring the good government of the kingdom by enforcing Magna Carta and the Charter of the Forests with sentences of excommunication. The bishops, in their *gravamina*, sought to protect ecclesiastical jurisdictions that often conflicted with those of the lay power but this did not necessarily debar them from membership of the broader political community, especially when there was so much at stake for the government of the kingdom. In fact, as John Maddicott has recently argued, 'within parliament the relationship between magnates and prelates was one of growing cooperation in the face of external threats.'¹⁰⁵ Faced with Henry's incessant demands for taxation, the magnates and prelates pursued 'a conscious policy of strength through unity, and a response not only to Henry's importunings but to his attempts to break down resistance by negotiating separately with individuals or small groups.'¹⁰⁶ Grosseteste himself 'summed up both motives and trends' when, in 1244, he responded to Henry's demand for tax: 'Let us not separate ourselves from common counsel... For it is written: "If we are divided we shall immediately die."' ¹⁰⁷ Even when the issue at stake were primarily ecclesiastical, the lay magnates could unite behind the bishops, particularly over the issues of papal provision and the Sicilian Business.¹⁰⁸

It is true that in the 1250s, as prelates met regularly in response to Henry's demands for taxation, their corporate identity was remoulded by a strong sense of grievance against royal treatment of the Church, both in terms of the financial burdens imposed by the king and the numerous jurisdictional infringements of the lay power on ecclesiastical business. As discussed above, Boniface acted in 1257 and 1261 to privilege the agenda of ecclesiastical liberties above that of the realm. This aggrieved atmosphere was fuelled by the archbishop's inherited sense of righteous indignation, worn as a badge of office, and his identification with Becket and Edmund, with whom he claimed to be languishing under Pharaoh. These attitudes in turn fuelled the collective feeling of his suffragans. This did not mean, however, that a chasm had opened between ecclesiastical and secular interests. If some breach had been opened, it was not at all insuperable. Those bishops who were to join Montfort around 1263

¹⁰⁵ Maddicott, *Origins of Parliament*, 194.

¹⁰⁶ Maddicott, *Origins of Parliament*, 195.

¹⁰⁷ Maddicott, *Origins of Parliament*, 195.

¹⁰⁸ Maddicott, *Origins of Parliament*, 196.

did so not in the cause of ecclesiastical liberties but for what they saw as the interest of the kingdom.

That Montfort's episcopal supporters set aside the agenda of the 1250s (resurrected in 1261), in which the cause of ecclesiastical liberty was pursued committedly, can be seen in the fact that they joined the revolution even though ecclesiastical interests in Church liberties were barely represented in the reform programme. It was the Montfortians who later attempted to claim Henry's treatment of the Church as a motivation for reform, when they drafted the baronial case at the end of 1263 for submission to Louis IX at Amiens. These assertions appear at the top and tail of what Treharne and Sanders classified as document C of the Mise of Amiens. As Robert Stacey has shown, document C is in fact the first part of the baronial case, listing the burdens placed on the kingdom. The remedies put in place by the reformers are then set out in document B.¹⁰⁹ The first complaint is of the king's intrusion into the liberties of the kingdom contrary to the Charters, yet framed specifically as contraventions of ecclesiastical liberties: the wasting of resources during vacancies and even the illicit appropriation of tithes. The king, moreover, interfered in elections and intruded his own, unworthy, candidates.¹¹⁰ The final complaint of the schedule moves on to the Sicilian business: the kingdom had been duped; many had taken the cross in aid of the Holy Land, only to find that Henry had apparently converted his vow and theirs towards the conquest of Sicily – a crusade against fellow Christians. Furthermore, 'to the greater confusion of the kingdom' the ecclesiastical tenth had brought churches to the point of impoverishment, as had the forced redemption of vows impoverished laymen, 'many thousands of marks having been collected in spoils of this kind, with enormous harm to the churches and the whole community, only to be thrown away in vain. In the end it all came to nothing...' If this were not enough, the bishop of Hereford and Robert Walerand had named various monasteries as pledges for loans to fund the expedition, without their knowledge.¹¹¹

Yet whilst document C, which deals with grievances against Henry's rule, condemns royal treatment of the Church and the Sicilian business in some detail, document B, which deals with the baronial remedies to Henry's misgovernment, makes no mention of either. This

¹⁰⁹ R. C. Stacey, 'Crusades, crusaders, and the baronial *Gravamina* of 1263–4', *TCE* III (1991), 137–50, at 138.

¹¹⁰ *DBM*, 268–71.

¹¹¹ *DBM*, 278–9.

was because no action had been taken by the reformers on these matters. The barons had complained to the pope in 1258 that they had not consented to the Sicilian venture but only on their own behalf, not that of the English Church, which had been suffering the financial burden of the Sicilian venture for some time before the barons had marched on the king's hall at Westminster.¹¹² The clause in the Provisions of Oxford referring to ecclesiastical interest seems at best a token effort: 'be it noted that the state of the holy Church should be amended by the twenty-four chosen to reform the state of the realm of England, as soon as they can find time and occasion'.¹¹³ Since there was so little ecclesiastical involvement in the reform programme, there was no pressure on the barons to incorporate any of the Church's grievances into the baronial agenda. The reformers might have included complaints about Henry's treatment of the Church in their case to Louis IX, in an effort to amplify the righteousness of their cause. Yet, when the Montfortians had the opportunity to justify their regime more fully in the *Song of Lewes*, the defence of ecclesiastical liberty played no part in their case. The Montfortian bishops, therefore, did not join the rebellion in response to the reformers' concern to defend ecclesiastical rights against Henry's encroachments, for there was no such cause included in the reform programme. Instead they were moved to join Montfort by concern for the government of the realm.

If, therefore, most bishops declined to participate in the reform programme in 1258, it was not because they were fundamentally shut off from the politics of the kingdom. In fact, the bishops had important reasons not to support the reformers. They had supported Magna Carta and the Charter of the Forests wholeheartedly but there was a crucial difference between upholding the Charters and supporting the formation of the reforming council in 1258. Magna Carta had bound the king to act within the law but did not seek to control central government, while the council of 1258 had effectively taken the reins of government from the king's hands. Whilst Boniface might have been willing to condone the reformers' actions to a certain extent in order to rid himself of the Lusignans, most bishops were probably not prepared to sanction an attack on royal power on such an unprecedented scale. It had been an intimidating display of armed force that had made Henry capitulate to baronial demands at Westminster, and an impressive display of baronial military power gathered at Oxford that had forced him to agree by oath to the formation of a council of fifteen. The powers that the

¹¹² *Tewkesbury*, 170.

¹¹³ *DBM*, 107.

new council was to wield under the Provisions of Oxford 'came near to putting the Crown into commission.'¹¹⁴ This council would appoint his ministers and allocate his castles as well as implement the programme for the reform of the realm. The king could not rule without the consent of this council; in fact, as Henry was to complain later, the council even ruled without consulting him.¹¹⁵ As we saw in chapter four, the arguments set out by Langton did not support any significant resistance to the king. He never advocated an attack on royal powers. Moreover, Old Testament precedents suggested that Henry as an anointed king should not be the victim of violence, or perhaps even the threat of violence, as David had made clear when he refused the opportunity to attack Saul.¹¹⁶ Langton had allowed for the subject's right to make reactive decisions to obey or disobey royal commands on a case by case basis, but he had never encouraged positive action against royal power. Grosseteste, in fact, had explicitly forbidden any attempt of subjects to alienate royal powers for themselves. As members of this thought-world, the bishops of 1258 were confined by the same scruples. When Matthew Paris despaired of Fulk Basset's apparent failure to join the reformers, what he did not know, or more likely did not admit, was the aggressive way in which the reform programme had been imposed (*felicissima* would be a peculiar choice to describe the business if he had been aware).¹¹⁷ In choosing to distance himself from the baronial agenda and support the king, Basset was acting in a manner congruent with the ideas and actions of his predecessors.

In many ways, it was a wonder that any bishops supported the reform programme at all. This was certainly the view of one chronicler, the author of the Merton *Flores Historiarum* who, reviewing the period of the barons' war, commented that:

'the old bishop of Worcester, and certain other prelates, fathers and judges of consciences, freely provided consent to the subversion of royal power, which is not without wonder; since they had provided a corporal oath concerning earthly honour to serve the said king and his heirs, whom, by arranging that they [the king and his heirs] should not rule, but that they would always be ruled by others, the bishops served badly. If indeed the prodigality of the lord king was an intolerable defect it would hardly exclude the work of government, when nowhere this is stipulated in divine or human law, because when the fault or defect ceased, the penalty would pass

¹¹⁴ Maddicott, *Simon de Montfort*, 158.

¹¹⁵ For the Provisions of Oxford, see *DBM*, 96–113; and for the Provisions of Westminster (which also came under the banner of the Provisions of Oxford), see *DBM*, 136–57. For Henry's complaints about the council, see *DBM*, 210–39, especially at 215, where Henry complains that the councillors 'hold their discussions and meetings at various places without the king's knowledge, not asking the king to attend them, nor summoning him to the council any more than the least person of his kingdom'.

¹¹⁶ I Samuel 24: 5–8; I Samuel 26: 9–11.

¹¹⁷ Carpenter, '1258', 187; D. A. Carpenter, 'Chronology and Truth: Matthew Paris and the *Chronica Majora*', forthcoming.

on to the heirs, lest the son of the father be touched by iniquity, lest a further penalty comes about than the [original] fault.'¹¹⁸

Clearly, in the view of contemporaries, the Montfortian bishops should have known better that the reformers' actions were incongruent with 'divine and human law'. In 1258, all but '*ille senex*' the bishop of Worcester probably did.

It should be remembered, in any case, that choosing a side or withdrawing altogether were not the only options available. The situation that Treharne and Powicke felt required an explanation – the lack of episcopal involvement in the baronial reforms of 1258 – in fact was no wonder at all. What was shocking, in fact, was not that the bishops refused to support the subversion of royal power but rather that they did not step in to prevent the conflict between king and barons from escalating to the point of a baronial coup. Boniface interpreted his role as archbishop of Canterbury as committed defender of ecclesiastical liberties in the mould of Edmund of Abingdon. It is perhaps fair to say that this was not an interpretation with which Edmund himself would have been comfortable. In similar circumstances in 1234, when the malign influence of dislikeable counsellors had produced an unpopular royal policy, provoking the opposition of the magnates and threatening the peace of the realm, Edmund had stepped in to reform the king, redirecting royal power for the good government of the kingdom and, in so doing, upholding it. This was how Edmund understood the role he had inherited from Langton. Had Boniface followed in these footsteps in 1258, or even in 1261, he could have led the bishops in a bid to confront and reform the king. If this had been done, the bishops could have supported the king in the reform of the realm rather than stepping back and allowing reform to be imposed upon him by force.

¹¹⁸ *Flores Historiarum*, III, 254.

Chapter Six

From Peacemakers to Partisans: the conversion of the Montfortian bishops

In 1266, five English bishops were suspended from office by Clement IV for ‘supplying aid, counsel and favour to the earl Simon against the king and honour of the kingdom’ in the rebellion against Henry III: John Gervase of Winchester, Stephen Berksted of Chichester, Walter de Cantilupe of Worcester, Richard of Gravesend of Lincoln and Henry of Sandwich of London.¹ Not merely complicit in the baronial agenda but protagonists in the usurpation of royal power, the actions of these bishops was as open to condemnation as that of any other leading Montfortian. The bishop of Chichester was one of the three electors set up by the Form of Peace after Lewes, and the bishop of London and Thomas de Cantilupe, Walter de Cantilupe’s nephew, were two of the nine who formed the new council, whose task was to govern the realm in the king’s name.² They had also undertaken the task of justifying the regime to its critics, a role that will be examined in the next chapter. Their actions were controversial, in the sense that those of the lay Montfortians were controversial, but even more so, since these were men steeped in a learned discourse of royal power that railed against such action as contrary to the natural order. More than this, they had violated a fundamental prerequisite to English episcopal identity, renouncing their loyalty to the king and abandoning their status as hinge-persons, and so had abdicated the long-standing episcopal role of peacemaker in favour of that of Montfortian partisan. This was a rupture of seismic proportions, that was predicated on the wrenching of the bishops away from one world-view and towards another. This chapter will examine how this took place – the renunciation of loyalty to the king – and why. It will also examine how the discomfort caused by this ripping apart of episcopal culture manifested itself in the actions of the partisans.

¹ *Osney* 180-81.

² *DBM*, 295 n. 4, 5.

The renunciation of loyalty to the king

Whilst Walter de Cantilupe had been an active member of the reform programme since its inception in the summer of 1258, and Richard Gravesend could be found in the service of the reform party from the moment of his consecration in the autumn of the same year, the other three of the five suspended in 1266 only appear to have joined the movement after their consecrations in 1262 and 1263. All five, though, were certainly confirmed Montfortians before the earl's victory at the Battle of Lewes confirmed divine approval of the reform agenda. The earliest point at which the bishops of Chichester, Winchester and London were likely to have joined the Montfortian party was April 1263, when Simon de Montfort returned to England and began a campaign to re-impose the Provisions of Oxford. The bishop of London had certainly committed himself in time to put his seal to the baronial case submitted to Louis IX for arbitration on 13 December 1263.³ The bishops of Winchester and Chichester publicly declared their allegiance to Montfort in March 1264, at a critical point in hostilities. The manner in which they did so, ostentatious in its public display of partisanship, could almost have been calibrated for maximum impact.

On 6 March 1264, Henry III sent a summons to all magnates and prelates who were not against the king to arrive at Oxford at mid-Lent with horses and arms to go against Llewelyn.⁴ Royal and baronial parties now stood toe to toe; Louis IX had decreed in the Mise of Amiens in January that the Provisions of Oxford should be quashed but this judgment had been rejected by the barons, the Londoners, the Cinque Ports and 'almost all the middling people of the kingdom'.⁵ Montfort had renewed his alliance with Llewelyn and the army mustering at Oxford was probably intended to combat the earl as much as it was the Welsh prince. Henry's summons was as good as an ultimatum to those sympathetic to the Montfortian cause: either to turn out for the king to make war on Montfort or not and, in refusal, testify to a converted allegiance. As a Close Roll entry of 3 April shows, John Gervase of Winchester and Richard Gravesend of Lincoln (along with several others) chose the latter; they were 'unwilling' to respond and perform the service they owed the king. Therefore all the lands they held in chief were to be seized unless they made immediate satisfaction for these transgressions.⁶ The refusal of military service constituted the breaking of their oath of

³ *DBM*, 284-5.

⁴ *CR 1261-64*, 377-9.

⁵ *Cronica Maiorum*, 61

⁶ *CR 1261-64*, 382-3.

homage to the king. There could hardly have been a clearer demonstration that the bishops had withdrawn their loyalty. This action represented a fundamental change in status, from hinge-person, with loyalty divided between king and barons, to party member.

Faced with the confiscation of their lands, both Gervase and Gravesend offered satisfaction to Henry through the proffer of fines. These fines do not appear in the Fine Rolls for 1263-4 or 1264-5.⁷ Their content is known through mentions in the Patent Rolls in the summer of 1264. It is in this context that the bishops' failure to obey Henry is shown in contrast to their vigorous support of Montfort. In two entries of 10 July and 20 August, Montfort (now back in control of the chancery after his victory at Lewes) pardoned Gravesend and Gervase 500 and 600 marks respectively for the fines they had offered the king for the 'remission of the king's rancour' against them for their failure to perform military service. In return, as the Patent Roll entries make clear, Gravesend had lent the king (in reality Montfort) £100 for 'his urgent affairs', whilst Gervase had lent 120 marks.⁸ Around the same time, the bishop of London (in conjunction with Richard de Mopham, archdeacon of Oxford) had lent 200 marks.⁹ The bishop of Worcester had already, in September 1263, leant 400 marks to bolster the reformers' regime.¹⁰ On 7 July 1264 he contracted a loan of 200 marks from Florentine merchants in London, perhaps in order to provide further financial support for the earl.¹¹ He certainly, though, made a further loan in December, this time of £40 to support the King's (or Montfort's) household.¹² The Patent Rolls record that the whole of Gravesend's loan went in to the wardrobe, along with part of that offered by Gervase (the rest the bishop of

⁷ C 60/60 (fine roll 1263-64); C 60/61 (fine roll 1264-65). Neither the 1264 nor 1265 fines, nor their repayments, were recorded in the surviving Fine Rolls. It is now possible to explain the first omission. The entry concerning Gravesend's fine for failure of service states that the fine was recorded 'in a certain Roll of fines made for services owed the king in his expedition' whilst the entry for Gervase's fine mentions 'a certain schedule attached to the roll of similar fines' that is mentioned in the entry above it and that his 20 mark payment towards it had been noted in the same schedule. It seems clear that these entries refer to the same document and that the King was keeping a separate roll that recorded the fines relating to military service, presumably begun with the Oxford muster in March 1264 and perhaps closed after his defeat at Lewes when Montfort took control of the chancery. This might have contained fines offered by those with whom the King had made an agreement about a lapse in service as well as punitive fines (like those of Gervase and Gravesend) made by those who had incurred the King's rancour when they failed to turn up as expected. Although this separate roll appears to be lost, it might be possible to reconstruct it in part from entries in the Pipe Roll.

⁸ *PR* 1258-66, 333, 342. The corresponding entry in the Pipe Rolls states that Gravesend's fine was for the King's grace: '*pro servicio suo et de gratia*', E372/109, m.10d.

⁹ *PR* 1258-66, 345.

¹⁰ *PR* 1258-66, 279.

¹¹ *English Episcopal Acta* 13, Worcester 1218-1268, 62-3.

¹² *PR* 1258-66, 395; E 372/113 (wardrobe roll 1261-64): '*Et de .xL. li. de prestito Walteri Wigorn' episcopi anno .xLix^o*.' My thanks to Ben Wild for his transcriptions of the wardrobe rolls.

Winchester had paid directly to a merchant for the king's wine). The only other record of these loans is in the surviving wardrobe accounts, which contain a vague reference to money received from various prelates and others.¹³

The unusual nature of these transactions is matched by the desperate circumstances in which they were undertaken. Although Montfort had won a military victory at Lewes in May, his position was in no way secure. Queen Eleanor had gathered a sizeable mercenary army and was poised in France to recapture the throne for her husband. Montfort responded with a call to arms that showcased his significant demagogic talents.¹⁴ The result was 'such a multitude gathered together against the aliens that you would not have believed so many men equipped for war existed in England'.¹⁵ It was arguably to fund this massive undertaking that Montfort elicited the financial support of the bishops.

Whilst, unlike de Cantilupe, Gervase was not a long-standing Montfortian, this does not necessarily mean that he was a 'lukewarm supporter of the rebellion'.¹⁶ In fact, the contrast between his background and his eventual actions in 1264 suggest that he had been ripped from the course of his previous world-view more violently from most. Before his promotion to the episcopate, Gervase was a royal clerk and had even been with Henry III in Gascony in 1254.¹⁷ Although he had not been Henry's candidate for the see of Winchester, Gervase's prior service seems to have made him a happy alternative when he was provided by the pope in June 1263. Certainly before 1264 Gervase seems to have been in favour with the king; when an epidemic struck the royal court in France in September 1263, it was Gervase, along with the bishop of Salisbury, who the King insisted should celebrate the feast of Edward the Confessor in his absence.¹⁸ The timing of the letter suggests that the bishop of Winchester had not yet joined the Montfortian party in the autumn of 1263 or, at least, that the king did not yet know of his changed allegiance. Henry, it seems, had every reason to expect Gervase's positive response to his call to appear at Oxford at mid-Lent 1264. Whilst Gervase did appear

¹³ E 372/113 Rot.2, m.1 (wardrobe roll 1261-64): '*Et de .M.C.L.xv. li. .xiiij. s. .v. d. ob. de dono archiepiscopi Ebor' et quorundam episcoporum, abbatum, priorum, civium, burgensium et aliorum quorum nomina continentur in predicto rotulo de particulis*'.

¹⁴ Maddicott, *Simon de Montfort*, 290-91.

¹⁵ *Flores Historiarum*, II, 499; Maddicott, *Simon de Montfort*, 290.

¹⁶ N. C. Vincent, 'The Politics of Church and State as Reflected in the Winchester Pipe Rolls, 1208 – 1280', in R. Britnell (ed.), *The Winchester Pipe Roll and Medieval English Society*, (Woodbridge, 2003), 157-81, at 175.

¹⁷ *CLR* 1251-60, 177.

¹⁸ *CR* 1261-1264, 174.

at Oxford, it was not with horses and arms to join the royalist force but as a representative of the baronial party, alongside de Cantilupe, Sandwich and Stephen Berksted, bishop of Chichester, insisting that the king should remove all aliens and govern through natives.¹⁹ This was the moment when Gervase hoisted his Montfortian colours, in a very public way. The loan that the bishop made soon afterwards sealed his commitment to the Montfortian regime. Within a few months he was in Boulogne along with de Cantilupe and Sandwich insisting to the papal legate that it was right that the king's councillors should be chosen for him, and that these councillors should be English.²⁰ Gervase had not only abandoned his loyalty to the king but sacrificed royal favour. His betrayal of the king – for that is certainly how Henry saw it – was all the greater because it tore through so many layers of loyalty.

Charisma

The refusal of John Gervase and Richard Gravesend to provide military service, and their approach to the king along with the bishops of Worcester, London and Chichester as representatives of the baronial party, was a public declaration of Montfortian loyalty.²¹ Still, that Gervase and Gravesend proffered fines to the king in recompense for their failure to provide service shows that, although they had allied themselves to Montfort's cause, they did not necessarily expect that relations between the two sides would deteriorate to the point of open battle. It was, after all, as a negotiator for peace that Gervase acted at Oxford in March. Presumably the bishops had no reason to assume that the king would lose control of government and hoped that some sort of compromise might be reached. Although they were unwilling to offer the king military aid against Montfort, they offered fines to Henry because they believed that his threat of the confiscation of their lands was a very real one. The outcome of the Battle of Lewes was to change this belief fundamentally. As the author of the *Song of Lewes* was to write, God had provided victory to Montfort: the earl's 'deeds test him and prove him truthful'.¹ This was the most adamant encouragement possible to their support of the earl, after which they plunged into the depths of rebellion with remarkable commitment.

In so doing, the Montfortian bishops forsook what had been a central component of episcopal identity in England since at least the days of Langton. Previously, bishops had

¹⁹ Maddicott, *Simon de Montfort*, 265-66.

²⁰ Heidemann, 238.

²¹ *Annales Londonienses*, 61.

cultivated the role of peacemaker, maintaining divided loyalties in disputes between king and barons. Now the Montfortians renounced their loyalty to the king and sided with the rebels. In earlier times, values presented by leading members of the episcopate, in the writings and actions of Langton, Edmund and Grosseteste, had supported royal power, ensuring that it operated justly, for the sake of regnal peace. Now, the Montfortians helped to impose a programme of political reform that robbed the king of royal power and provoked civil war. These two courses were based on world-views that were virtually irreconcilable.

It took a powerful force to pull the bishops from the path laid out for them by their predecessors. This force was their belief in the divine inspiration of Simon de Montfort: 'Neither fraud nor falsehood moved the Earl, but the divine grace which knows whom it may help'.²² This theme echoes through the *Song of Lewes*, written most likely by a friar in the household of Stephen Berksted, the Montfortian bishop of Chichester. The poet, if he may be taken as representative of Montfort's clerical supporters, testifies to the earl's charisma: that 'quality [according to Max Weber] deemed to be extraordinary... of a personality, on account of which this person is judged to be endowed with supernatural or superhuman or at least specifically extraordinary powers or properties, which are not accessible to everyone else, or as sent by God, or as an outstanding model and consequently a 'Leader'.²³ Charisma is one force powerful enough to pull groups away from their core values, to relocate and rebuild the very foundation on which all their subsequent decisions will be built. It is 'the great revolutionary power in epochs that are in the grip of tradition.... charisma can be a transformation from the inside, which, born of necessity or enthusiasm, means a fundamental change in the direction of central convictions and actions with a completely new orientation of all attitudes to all specific forms of life and to "the World" generally.²⁴

This is not to pronounce on the objective reality of the leader's qualities. Central to Weber's idea of charismatic leadership is 'the way in which those who are being ruled or led appropriate, internalise and experience' notions of the leader's special qualities.²⁵ Montfort's

²² *Song of Lewes*, ll. 349-50.

²³ M. Weber, *Wirtschaft und Gesellschaft*, ed. J. Winckelmann, 3 vols. (5th edn., Tübingen, 1976), Vol. I, 140, translated in d'Avray, *Religious Rationalities*, 80.

²⁴ Weber, *Wirtschaft und Gesellschaft*, Vol. I, 142, translated in D. L. d'Avray, *Rationalities in History: A Weberian Essay in Comparison* (Cambridge, 2010), 104-05.

²⁵ Weber, *Wirtschaft und Gesellschaft*, Vol. II, 658, translated in d'Avray, *Rationalities in History*, 105.

charisma, therefore, is to be gauged by the beliefs of his followers.²⁶ It is evidence for just this sort of feeling that is preserved in the *Song of Lewes*. In the *Song*, indeed, lies evidence of both the cause and effect of the 'conversion' of these churchmen. Split roughly in two, the first half praises Montfort whilst the second seeks to justify his imposition of the baronial council. It is not the 'constitutional' case of the second half of the *Song* that explains the motivations of Montfort's episcopal supporters – as Chapter Four shows, these arguments were incompatible with the pre-existing values of their milieu. Instead, it is the adulation for Montfort proclaimed in the first half of the *Song*, celebrating the zenith of Montfort's charismatic leadership, that explains the bishops' conversion to his cause. It was this conversion that, in forcing the bishops to abandon their earlier values, necessitated the formation of a new set of arguments in support of the earl and, thus, required the second half of the *Song*.

Montfort's charisma, then, manifests itself in the author's presentation of the earl as an outstanding model of virtue with Christ-like qualities. Central to this theme is the earl's adherence to the oath upholding the Provisions of Oxford. His refusal to apostatize, as he saw it, is well recorded²⁷ and, as the *Song* shows, was greatly admired by his followers:

'Hence can they, who readily swear and hesitate little to reject what they swear... and render not wholly their promises to God, estimate with how great care they ought to preserve their oath, when they see a man flee neither torment nor death, for the sake of his oath... Behold! Simon obedient scorns the loss of property, subjecting himself to penalties, that he may not let go the truth... Woe to the wretched perjurers, who fear not God, denying Him for the hope of earthly reward, or fear of prison or of a light penalty; the new guide of the journey teaches us to bear whatever the world may have inflicted for the sake of truth, which is able to give perfect liberty.'²⁸

Montfort is elevated as model of fidelity and fearless integrity, illuminating the shameful behaviour of those who had abandoned their oath, those 'wretched perjurers'. He is also, though, an exemplum to his followers, teaching them to suffer persecution for the sake of truth. The author determinedly ignores an uncomfortable reality: the pope had in fact pronounced the oath that upheld the Provisions invalid, since the royal family had been compelled to provide it and since it ravaged royal power, and had absolved all from their obligation to maintain it.²⁹ Instead, the author brazenly claims that Montfort, ever respectful

²⁶ d'Avray, *Rationalities in History*, 105-06.

²⁷ Maddicott, *Simon de Montfort*, 79, 161-2, 170, 214, 363.

²⁸ *Song of Lewes*, ll. 207-226.

²⁹ Papal bulls dissolving the oaths had been issued first by Alexander IV and were published in England on 12 June 1261. His successor, Urban IV, issued confirmations of Alexander's decrees on 25 Feb. 1262 and 23 Aug. 1263 (*DBM*, 248-51 n. 1).

of ecclesiastical authority, would indeed be willing to accede to the dissolution of his oath, if such an order were given:

‘because he had sworn [to uphold the Provisions], they were to be stoutly maintained, unless the most perfect teachers of the faith should say, that those takers of an oath could be absolved, who had previously offered such an oath, and that what they had sworn was not to be attended to.’³⁰

One might say that if the pope himself did not count as one of the ‘perfect teachers of the faith’ in Montfort’s eyes, it is hard to see whom the earl considered of sufficient authority to dissolve the oath. Yet Montfort’s readiness to adhere to learned, pious counsel is evidently important to the author, since it is presented elsewhere in the *Song*. Montfort, in briefing Stephen Berksted on his embassy to the king before the battle, had offered Henry a solution to the conflict:

‘Choose the best men, whose faith is lively, who have read canon law, or have becomingly taught theology, and sacred philosophy, and who know how to rule the Christian faith; and whatever such men shall not fear through wholesome doctrine to counsel, or whatever they shall not fear to decide, what they shall say, that shall they find us ready to adopt; in such manner that we may not know the brand of perjury, but as sons of God may hold faith.’³¹

Whilst there might appear to be a tension between the author’s omission of the oath’s dissolution by the pope and his admiration for Montfort’s proposal to adhere to the judgement of nominated ecclesiastics, this could be reconciled by the Montfortian belief that the pope, in making his judgement, had not been in full possession of the facts and that his ruling was subsequently flawed. Other judges, fully apprised of the situation, and ‘whose faith is lively... and who know how to rule the Christian faith’ would be in a stronger position to rule fairly on the Provisions. There were such men available, of course, Stephen Berksted amongst them, since they had come to Lewes to support Montfort. Whilst objectively Montfort’s respect for ecclesiastical authority and the wisdom of learned churchmen therefore reflects the politician as much as the pious son of the Church, what is important is the vivid admiration his gesture inspires in the author. So too is the contrast this invites with the hubris of the royal party, proclaimed in the scorning of the earl’s laudable offer (“See! now is a knight subjected to the sayings of clerks. Knighthood put under clerks has become of little esteem”).³² Montfort is thus made to take on the role of the righteous victim of persecution (‘thus was the wisdom of the Earl despised... even the devotion of the Earl is derided’).³³

³⁰ *Song of Lewes*, ll. 238-42.

³¹ *Song of Lewes*, ll. 198-206.

³² *Song of Lewes*, ll. 246-47.

³³ *Song of Lewes*, ll. 248, 259.

The author goes on to present Montfort as an *exemplum* of selflessness. Accusations of his self-interest, clearly in the air, are indubitably unfounded:

‘If it was his own advantage which had moved the Earl, he would have had no other zeal, nor would he have sought with his whole intent for the reformation of the realm, but a designing for lordship would seek its own advancement alone, and he would set before him the advancement of his own friends, would aim at the enrichment of his sons, and would neglect the safety of the community, and would veil the poison of falsehood with the cloak of duplicity; thus he would abandon the faith of Christianity, and would subject himself to the law of a terrible penalty, nor would he escape the weight of the storm. And who is able to believe that he would give himself to death, would be willing to ruin his friends, that he might thus exalt himself?’³⁴

Accusations that Montfort was pursuing personal profit would arguably have resonated with the earl and his circle, making their rejection of particular importance. As we saw in chapter four, Robert Grosseteste’s writing on kingship, drawn from Aristotle’s *Nichomachean Ethics*, had posited an ideal of kingship based on selfless, fatherly benevolence: ‘For *the tyrant exerts himself for his own advantage, the king for that of his subjects... tyranny is contrary to kingship: [since the tyrant] pursues his own advantage... royal rule wishes to be paternal.*’³⁵ It was this message that opened the *abbreviatio* sent by Grosseteste to Montfort. Richard Gravesend was also familiar with the work, having drawn up the memorandum from which the *abbreviatio* was drawn, and it is possible that he and Montfort might have shared the sentiment with others of their circle. From the perspective of Grosseteste’s disciples, to accuse Montfort of pursuing personal profit was tantamount to accusing him of tyranny. As such, its rejection would have been top priority. As the author of the *Song* makes clear, selfish action on Montfort’s part would amount to his abandonment of Christian principles; putting his life at risk on the battlefield in such a state would jeopardise his soul. The ultimate testament to the truth of the author’s claim was, of course, Montfort’s victory at Lewes: ‘They call Simon a misleader and deceiver, but his deeds test him and prove him truthful.’³⁶

Montfort’s willingness to risk his life on the battlefield is presented as the ultimate selfless act. Others seek worldly honour and avoid death, but ‘not so does the venerable Simon de Montfort, who, like unto Christ, gives himself to death for the many; Isaac dies not when he

³⁴ *Song of Lewes*, ll. 325-38.

³⁵ ‘*Tyrannus enim sibi ipsi conferens intendit, rex autem quod subditorum. Et paulo post: Tyrannis autem ex contrarietate regno: sibi autem bonum persequitur... Et iterum post pauca ait: Paternus principatus vult regnum esse*’ (Gieben, 378); cf. Mercken, 152.31-3, 152.36-7, 153.53-4, 160.59-60, 161.78-9, 163.36-7.

³⁶ *Song of Lewes*, ll. 79-80.

is ready to die, the ram is delivered to death, Isaac to honour.³⁷ The comparison with Christ, laying down his life for his friends, and Isaac, the sacrificial victim spared by God's mercy, are perhaps some of the strongest indications of the belief that Montfort's virtue was of uncommon proportions. However, also telling is the particular manner in which the author develops the comparison between Montfort and Christ. The royal party's rejection of Montfort's proposed peace before the battle provokes an allusion to Psalm 117: 22 ('The stone which the builders rejected; the same has become the head of the corner'): 'The stone long refused by the enemy, was afterwards fitted to the two side-walls. The division of desolation of England was on our borders; but for a defence against division was present a corner-stone, the wholly singular religion of Simon.'³⁸ As the image of Montfort as cornerstone suggests, the author is clear that the whole movement rests on his shoulders: 'the faith and fidelity of Simon alone is become the security of the peace of all England.'³⁹ The critical power of Montfort's leadership is attested elsewhere in the *Song*: 'by [the earl's] confusion the most of the people would be confounded, and the greatest part of the realm would be put in peril; most grievous ruin would at once follow, which would not be repaired by the longest delay.'⁴⁰ Nowhere more vividly is Montfort revealed as the life-giving source of the movement, invested with an epic quantity of faith.

Perceptions of Montfort's divinely inspired leadership were buttressed by his association with the most popular of English saints. Thomas Becket, in resisting arbitrary royal actions and suffering persecution as a result, provided a model of English sanctity to thirteenth-century England. As André Vauchez has shown, several bishops in the thirteenth century were deemed to have followed his path, figuratively if not literally martyred, which 'was all that was necessary for them to be identified with the man who had become the prototype and obligatory reference for all sainthood in England, Thomas Becket'.⁴¹ The *Song* does not identify Montfort with this model explicitly, though the theme of the upright opponent of the king suffering royal persecution is certainly present.⁴² However, other

³⁷ *Song of Lewes*, ll. 345-8.

³⁸ *Song of Lewes*, ll. 261-5.

³⁹ *Song of Lewes*, ll. 267-8.

⁴⁰ *Song of Lewes*, ll. 189-92.

⁴¹ Vauchez, *Sainthood*, 167-70.

⁴² After Montfort's death at Evesham, the comparison was made explicitly, for instance : Maitland, 'Song on the Death of Simon de Montfort', 317, verses 28 and 30; see also the second hymn of an office composed for Montfort after Evesham, given in: G. W. Prothero, *The Life of Simon de Montfort Earl of Leicester with Special Reference to the Parliamentary History of His Time* (London, 1877), 389.

sources do attest a belief that Becket himself was a Montfortian. The Dover chronicle reports that some who were present at Lewes sighted Becket on the battlefield; the martyr had appeared, in pontifical garb, to bless the baronial army. Around the same time, the chronicler continues, a boy in Canterbury had a vision of Becket in his sleep. The boy, seeing Becket rising from his bier, asked the archbishop what he was doing (the boy had thought Becket to be dead) and why he was rising from his tomb. Becket responded 'I was not dead, but I rested in peace; but now by necessity I have to rise and fight for my country of England.'⁴³ Although these accounts provide no direct evidence of clerical opinion, they do suggest a popular association of Becket with the reform movement and a general climate of feeling that Montfort's actions were divinely endorsed.

The Montfortian reference to Langtonian ritual

The result of Montfort's charismatic power was that the bishops were drawn from the familiarity of an established episcopal identity into the unsettling unknown of rebellion. The was bound to cause moral and intellectual discomfort. In order to cover over the fissures in their experience and wrap themselves with a comforting veil of legitimacy, they turned to the apparent safety of precedent as formed by their illustrious predecessors, Stephen Langton and Edmund of Abingdon. At the Oxford muster in March 1264, they appropriated the language of eirenic episcopal ritual to articulate their approach to Henry III. Their attempts, however, precipitated their rancorous expulsion from the royal presence.

An account of their endeavours is recorded in the so-called *Annales Londonienses*. Although large parts of this chronicle are taken from the *Flores Historiarum*, the account for 1264 is not, being derived from an independent source that has since been lost.⁴⁴

'With a parliament established at Oxford on 30 March 1264, and with all called with horses and arms who wished to adhere to the lord king with counsel and aid, solemn messengers were sent there on the part of the barons, namely the bishops of London, Winchester, Worcester, Chester⁴⁵ and Chichester; asking the king humbly and devotedly, that if he at the least would give way on one article – namely that, with aliens removed from England, the country would be governed through natives – they (the Montfortians) would assent to all statutes, provisions and ordinances of the king of France. To whom the abrupt response was given, that the king would in no way withdraw from the ordinance of the king of France: but would hold his (Louis') statutes firmly and steadily forever for the sake of his (Henry's) power. Moreover it

⁴³ *Gervase*, 238. Becket was accompanied by St George, who appeared armed, carrying a banner.

⁴⁴ *Annales Londonienses*, xvii.

⁴⁵ [Possibly a mistake].

was demanded from the aforesaid bishops that they withdraw speedily from court not to return nor treat of peace, unless subsequently they had a special mandate on this from the lord king. Yet before their withdrawal, in the presence of the king of Germany and the lord Edward, in the church of the Friars Preacher of Oxford, they placed all violators of ecclesiastical peace under sentence of excommunication.⁴⁶

The Montfortian bishops' emulation of the Langtonian ritual is clear. The context of unrest between the king and his barons; the responsibility felt by the bishops to act in the role of peacemaker; the approach to the king made by a group of bishops acting in unison; their speech to the king made with demonstrable humility and devotion; the terms for the reform of his rule offered in the interest of the kingdom; the pronouncement of sentence of excommunication against disturbers of the peace. Yet this time the king was not transformed, or remade, in the form set out by the bishops and the ritual failed. Rather than responding humbly and accepting the criticism, complying with the episcopal terms and setting out restitutions, the king responded abruptly and repudiated all criticism of his behaviour.

The reasons for the failure of this ritual in 1264 are not difficult to determine. Without the archbishop of Canterbury, the bishops lacked the office-charisma necessary to 'remake' the king. Moreover, for all that the bishops in 1264 appeared 'humbly and devotedly' with all the trappings of fidelity, their attitude was a brittle veneer. As the chronicler noted, the bishops came '*ex parte baronum*'. The mendacity of their appearance as 'hinge-persons' was obvious to all, since the bishops had proclaimed their loyalty to the Montfortian barons in the most public and demonstrative way possible: a refusal of military service that violated their oath of homage to the king. The contrast with Matthew Paris' presentation of the bishop of Chester at the colloquium of 1234, outraged at the suggestion of 'excessive familiarity' with the rebels that threatened to compromise his prized mediatory position, could not be clearer. The bishops in 1264 were manifestly guilty of 'excessive familiarity' with the rebels who had threatened the king. The presentation of their authority to act as peacemakers was recognised by the king for what it was: a transparent charade. As such, it merited the bishops' expulsion from the royal presence and the king's prohibition of any future attempt on their part to treat for peace.

That the Montfortian bishops adopted the language of Langtonian ritual to frame their actions in 1264 is symptomatic of their attempts to locate their own, radical, actions within a socially and historically legitimate framework. Perhaps this was a cynical attempt to mask

⁴⁶ *Annales Londonienses*, 61.

their treachery from the glare of an audience they hoped to persuade. In identifying their own role with that of Langton and Edmund, as representing the interests of the king's subjects to the king, the bishops might have hoped to borrow some of the authority of their distinguished predecessors for their own cause, imbuing the Montfortian demands with the legal weight of Langton and prestige the of Edmund's sanctity. A connection with the actions of Langton and Edmund might have appealed, too, on another level. Langton and Edmund, in their approaches to the king, had represented the community, vocally through the criticisms made on behalf of a suffering kingdom and symbolically by emulating the role they played in coronations. The claim to be representing the interests of the community underpinned the Montfortian cause. It was voiced consistently from 1258 onwards, in order to invest the movement with an authority otherwise denied by the narrow base of support for the original coup and the barons' compulsion of the king. The point would be more important than ever at this pivotal moment, when both sides were mustering support. The Montfortian bishops' emulation of the ritual could, therefore, have been intended as a powerful symbolic statement in support of the Montfortian claim to be acting in the interest of the community of the kingdom.

On the other hand, one could view their act sympathetically, as testimony to a heartfelt commitment to the Montfortian cause, and a genuine belief that the earl represented the regnal community.⁴⁷ The contradictions in their self-presentation, far from exposing any cynicism in their actions, might well be the mark of something more complex. Like the arguments drawn up to appease their critics to be discussed in chapter seven, the approach to the king in 1264 might well reveal the ambivalence with which they viewed their own actions, the profound unease created by the confrontation between new ideals and loyalties set against the authority of tradition. These conflicts were engraved in their actions, as in their written output, with the gaps between actual and professed intentions visible to all. Just as the papal legate, when faced later in 1264 with justifications for the radical Montfortian regime, stripped the Montfortian clergy of the appeal to precedent that was their safety-blanket, Henry denied the bishops the ideological security that this ritual exhibition of episcopal tradition would represent.

⁴⁷ Carpenter, *Struggle for Mastery*, 380.

The Consequences of Conversion

In choosing to kindle rebellion rather than quench it, the Montfortian bishops had subverted the expectations inherent in their office. The result was a self-contradiction manifest in their actions between 1263 and 1265, as they in turn fuelled the violence and sought to contain it. The consequences of the bishops' abandonment of their eirenic responsibilities were severe, both for the kingdom and their relationship with the papacy.

Montfort's return to England in April 1263 had been accompanied by widespread disorder, as the earl's supporters targeted enemies of the Provisions of Oxford. Many of the victims were alien churchmen, most notably Peter d'Aigueblanche, bishop of Hereford, seized in his cathedral and carried off to captivity. Whilst a gang of marcher barons had been the perpetrators of that particular attack, the ringleader of several others – if reports made to the pope are to be believed – was none other than Richard Gravesend, the Montfortian bishop of Lincoln. It was reported that 'at his instigation, homicides have been perpetrated on the persons of papal officials... [he] has molested papal notaries by opposing their pensions and benefices in their diocese, and other parts of England, has grievously offended cardinals, and has committed other faults'.⁴⁸ This was not the first time violent attacks on alien clergy had been known in England. A letter of Gravesend's mentor, Robert Grosseteste, written between 1231 and 1232 during his time as archdeacon of Leicester, tells how the young Grosseteste had wanted to go on pilgrimage but his bishop, taking counsel with the bishop of Bath and others, had told him that he 'was to wait until it was better known what the outcome would be of the disturbance that had arisen from the plundering and capture of some Romans and - or so it is said - the murder of some of them'.⁴⁹ It was an entirely different matter, however, when the bishop of Lincoln himself stood accused of fermenting anti-Roman violence.

In July 1264, Walter de Cantilupe stood up as proctor of the English bishops to make a speech to the assembly of magnates and prelates gathered at St Paul's. He protested that the bishops were doing their best to stop the disturbances. Recounting the violent attacks against ecclesiastical property and persons, de Cantilupe explained how the bishops had convened in London to address the matter and had denounced all those committing such crimes. The

⁴⁸ *CPL*, 400–1. Gravesend was suspended from office by the pope on 2 June 1264 for contumacy, having failed to appear before him to answer accusations about these offences. On the balance of probability, the alleged attacks took place in the summer or autumn of 1263 during the rebellion that broke out with Montfort's return to England.

⁴⁹ *Grosseteste Letters*, 55 (referring to the Wither/Tweng riots of 1232).

perpetrators had fallen under the broad sentence of excommunication levelled at those raising their hands against clerks and the guilty were to make satisfaction on pain of ecclesiastical censure. Having pronounced this sentence, however, the bishops had been unable to proceed, for as much as the deeds were clear to all, the identity of those committing them was not. The bishops had thus begun inquiries in their dioceses but, at the same time, the disturbances had only grown worse. The bishops' diligence should not be in doubt, however, and at the meeting in London the great men of the realm had promised satisfaction for any spoliations they had committed. De Cantilupe, therefore, on behalf of his fellow bishops, appealed to the apostolic see against any sentence of excommunication issued by the papal legate (who was currently waiting in France for permission to enter England) on account of attacks on ecclesiastical liberty and the failure to punish wrongdoers, claiming that peace was now settled and that he and the other bishops had the matter in hand and would pursue wrongdoers.⁵⁰

Henry of Sandwich indeed took immediate action in his diocese of London, inducing the council to order the mayor and sheriffs of London that they remove all lay force currently occupying and wasting the prebend of Walter of Merton in Finsbury. The letter, dated 9 August, was authorised by the king and the bishops of London, Worcester, Lincoln, Salisbury, Winchester, Exeter and Chichester and other bishops who were present.⁵¹ At the end of October, a panel of three bishops was set up, to whom full power was given by the barons to inquire about and correct all injuries done to the Church in England from Easter 1263 until the present time.⁵² The three bishops appointed were the archbishop of York, the bishop of London and the bishop of Lincoln.⁵³ Anyone not cooperating with the bishops' enquiry would be excommunicated and would be compelled by the lay power to make satisfaction.⁵⁴ The bishop of London, together with Richard of Mopham archdeacon of Oxford, was also authorised by the council to collect and deposit at Canterbury the issues of the church of Canterbury that, with the archbishop absent abroad, were currently being despoiled. They were also ordered to collect the issue of those benefices belonging to alien clerks 'and other clerks adversaries of the king and his realm' under the jurisdiction of the diocese of Canterbury who were resident abroad, and to lay them up in Christchurch. Although the

⁵⁰ *Gervase*, 239-42.

⁵¹ *CR 1261-64*, 402.

⁵² *Cronica Maiorum*, 70.

⁵³ *CPR 1258-66*, 393.

⁵⁴ *Cronica Maiorum*, 70.

mandate was supposedly made out of concern for ecclesiastical liberty, the benefice holders targeted as 'adversaries of the king and his realm' were those that had stood against the Provisions of Oxford.⁵⁵ Whilst this measure protected ecclesiastical revenues from lay attack, it also prevented royalist foreigners enjoying the revenues of their benefices. As in the actions and arguments of the bishops throughout the period, the historical role of peacemaker and current one of partisan rebel were caught in a fractious, and ultimately untenable, coexistence. The events of 1264 show, moreover, what the failure of the bishops to act as peacemakers in their historical role as hinge-persons meant for the political community, the Church and the kingdom. The endemic violence of 1263 and 1264 was one of the most significant consequences of the reform movement. The bishops' allegiance to Montfortian reform meant that the kingdom was denied a cohort of peacemakers who could have acted to prevent the outbreak of violence. The ugly results of their partisanship were unintentional, of course, but hardly unforeseen.

Another consequence was the bishops' conflict with the papacy. This might not have been sought but necessarily followed the establishment of the Montfortian constitution after Lewes. The exclusion of the papal legate from England was as much a priority for the bishops as the barons, as Walter de Cantilupe's rather desperate protestations at the London assembly showed. This act, though essential for the survival of the Provisions, constituted no less than the greatest assault on papal authority to have issued from England in a hundred years. The Montfortian case for Foulquois' exclusion was put by the earl to the legate in writing in unambiguously offensive terms. It was based on the claim that 'no legate should be sent into this kingdom by the Apostolic See against the privilege of the kingdom, unless he is specially called or asked'.⁵⁶ This, of course, was a long-standing claim peculiar to English kings, held to be a privilege conceded by former popes.⁵⁷ Its origins can be traced to the time of William I, who imposed restriction on papal access to England in the face of increasing attempts by Gregory VII to make the supremacy of papal authority a reality.⁵⁸ It continued to be claimed as a privilege by William's successors, so long as they had the power to enforce it, and was

⁵⁵ CPR 1258-66, 344; *Cronica Maiorum*, 70.

⁵⁶ '*quod contra regni privilegium legatus nullus a sede apostolica in regnum ipsum mitti debeat, nisi vocatus specialiter vel rogatus hos*' (Heidemann, 200).

⁵⁷ Brooke, *English Church*, 217. The claim that this privilege was in fact conceded by the papacy, as Brooke points out, 'sounds almost incredible'; Eadmer claimed that Calixtus II conceded it to Henry I in 1119, when the king had presented it as an English custom (Brooke, *English Church*, 168-9). Foulquois clearly believed this to be unlikely.

⁵⁸ Brooke, *English Church*, 137.

claimed by Henry II as one of the 'customs of [his] ancestors'. It escaped dismissal at the Compromise of Avranches, probably because Henry II was able to claim that it was not a custom introduced in his time.⁵⁹ Henry III, despite a more harmonious relationship with the papacy, continued to view this as a royal prerogative, admonishing the papal nuncio Master Martin in 1244 with the words 'we cannot tolerate your attempt to upset our realm... You must know perfectly well that legates only come here when we ask the apostolic see to send them'.⁶⁰

The appeal to English custom was continued by the Montfortians in 1264, as they insisted that no prelate would leave England unless the legate would first agree not to enjoin on them any sentence to be published against anyone in the kingdom.⁶¹ This Montfortian stipulation echoed clause four of the Constitutions of Clarendon of 1164, which stated that no prelate should depart from the realm without the king's leave, as well as the decrees added by Henry II in 1169, which stated that anyone bearing letters of interdict was to be seized and held in captivity.⁶² This custom also survived the Compromise of Avranches. Henry III, for instance, in July 1260 wrote to the barons of Dover ordering them to investigate whether anyone had landed at the port carrying papal bulls prejudicial to the king or the realm and ordering them to arrest any such person.⁶³

The nature of these rights was given a radical spin by the barons, however, who remodelled them according to the programme of reform and the new situation created by the baronial victory at Lewes, transforming what had hitherto been represented as royal rights into the rights of the community of England. Their claims not only replaced royal interests with those of the community of the realm but were a slap in the face to the legate's authority. They explained that they had held communal deliberation in a parliament at London regarding the legation and, as a result, were able to uphold the claim that no legate should enter England

⁵⁹ A. J. Duggan, 'Henry II, the English Church and the Papacy, 1154-1176', in C. Harper-Bill and N. Vincent (eds.) *Henry II: New Interpretations* (Woodbridge, 2007), 154-83, at 177.

⁶⁰ *CR* 1242-47, 259, cited by Powicke, *Henry III*, 354.

⁶¹ '*Ceterum si ad tractatum ipsum praelatos aliquos reputaveritis magis opportunos, hanc pro constanti concordem totius communitatis sciatis esse voluntatem, quod nullum ex eis Angliam exire permittimus, nisi prius de ipsis liberis et absolutis in praefigendo eis ad haec termino in eodem statu, quo venerint, remittendis et quod nihil omnino contra regnum aut regnicolas in genere vel singulares personas vel minores in specie exequendum aut publicandum eis iniungetur tam a vobis quam a praelatis ipsis per sufficientem et idoneum cautionem nobis plene prospiciatur*' (Heidemann, 201).

⁶² *EHD*, II, 720; Duggan, 'Henry II', 174.

⁶³ *DBM*, 192-3.

unless he was asked because 'we do not wish to receive any of your messengers or else to consent here to your entry in any way'.⁶⁴ They went on to propose a meeting with the legate in France based on the fact that 'it is believed communally by all on account of many reasons... that a prosperous meeting' would be better held outside the kingdom than within it.⁶⁵ Furthermore, the refusal to allow prelates to leave without the legate's assurance that he would not enjoin sentences on them was made because it 'is the concordant and resolute will of the whole community'.⁶⁶

Although the barons' claims to custom and common consent were the stepping stones of their argument, the most striking aspect of their letter is the force with which it was written. The standard etiquette of letter writing was ignored by the barons. For instance, one would expect a letter written to a superior to be punctuated by the use of the *captatio benevolentiae*, the device used to secure the recipient's goodwill by conveying respect for their position. The use of any such device is, here, noticeably lacking after the formal address. In fact, the only part of the letter that comes close to displaying respect is far from convincing: 'and when they (the baronial representatives) have come to you and have made known to you fully the truth of our act, faith and devotion, which we have always had and still do have for the apostolic see, they will uncover the path to you, through which past turbulences might be put to rest and corrected in a straightforward way'.⁶⁷ Respect is not conveyed in the letter but is made conditional on the legate's acceptance of the baronial conditions for negotiations. Even this dubious hint of reverence is undermined by the barons' earlier statement that they had refused the legate entry to England 'foreseeing that danger could easily threaten us and the kingdom... if our business were to be handled not from faith but under the appearance of false love'.⁶⁸ This was not the first time that the legate had aspersions cast on his motives.

⁶⁴ 'De adventu vestro... communem super hoc ad invicem in parlamento Londoniis habuimus deliberationem... nuntios vestros quoscumque in conductum recipere aut etiam in vestrum hac vice nolumus consentire [ingressum quoque modo]' (Heidemann, 200-01).

⁶⁵ 'creditur autem communiter ab omnibus propter multas rationes, quas in praesenti subticemus, quod tractatus huius sinodi extra regnum Angliae facilius et melius, quam in regno ipso, prosperum perducere valeat ad effectum' (Heidemann, 200-01).

⁶⁶ 'hanc pro constanti concordem totius communitatis sciatis esse voluntatem' (Heidemann, 201).

⁶⁷ 'et cum ad vos venerint et facti nostri veritatem, fidem et devotionem, quam erga sedem apostolicam semper habuimus et habemus, ad plenum cognoscere facient' (Heidemann, 200).

⁶⁸ 'vicinum de facile nobis et regno Angliae posse prospicientes imminere periculum, si nostra, verisimiliter timemus de praeteritis coniecturam colligentes ad futura, non ex fide sed sub fictae caritatis imagine negotia tractarentur' (Heidemann, 200).

Henry de Montfort had told Foulquois' messenger that the legate would be more likely to impede peace than to aid it, by favouring one side and depriving the other.⁶⁹

Foulquois' response was a resilient defence of papal authority and condemnation of the Montfortian attempts to undermine it. He set out the responsibilities owed by the English kingdom to the papacy and reminded the Montfortians of the papacy's dominion over their kingdom. Appealing to *gens Anglorum*, Foulquois did not stress the papacy's relationship with the king of England but rather with the entire people. This 'people is the particular, most pleasing nation and treasure' of the papacy, chosen for conversion by Gregory the Great. The papacy's agency in converting the English was a long-standing component in the papal claim to authority over the kingdom.⁷⁰ King John's submission of England to the papacy as papal fief might also have served to emphasise the legate's authority, yet Foulquois' appeal to the loyalty of the nation as a whole demonstrated that the king's removal from power did not in any way alter the papacy's authority over the kingdom of England.

Foulquois developed the theme of this special relationship by stressing that the papacy's authority over England was not only that of a lord but that of a mother. It had as much right to protect the kingdom, to nurture it, as to rule over it. He outlined, therefore, the kingdom's moral obligation to pay obedience to the apostolic see and denounced the ingratitude of the English in slighting the pope's legate irreverently. The maternal side of the papacy's concern for England went hand in hand with its lordly concern; it was 'to look after the heath and honour of that same people' that the papacy had rescued the nation from the king of France in Henry III's minority, which had been done through the 'prudence and power' of a legate. England, then, owed a double obedience to the pope as 'mother and lord'.⁷¹

It was, Foulquois announced, therefore 'an amazing harshness and detestable cruelty to deny to a mother that which is not denied to Tartars, pagans, schismatics and infidels,

⁶⁹ Heidemann, 199.

⁷⁰ Brooke, *English Church*, 177-8.

⁷¹ [*gentem Anglorum*]... *ab inclitae memoriae domino Lodovico, patre domini regis Francorum, qui nunc regnat, ex parte maxima tunc subactum per legati sui prudentiam pariter et potentiam de manu liberavit eiusdem, et ut gentis eiusdem saluti consuleret et honori... Miretur igitur terra et coeli desuper obstupescant ad hanc ingritudinem Angliam nunc delapsam, ut in matris et domini manifestam iniuriam legatum suum non quemlibet, sed corporis sui partem et si non merito, saltem officio reverendum, irreverenter abiciat et eiusdem legati nuntios simplices et pacificos non admittat'* (Heidemann, 202-03).

whose legates are admitted courteously by all kingdoms and courts.’⁷² Moreover, to slight the pope’s legate was to slight the papacy, as a legate was ‘not just anyone, but part of the body [of the Holy See] and... ought to be revered on account of his office’.⁷³ Whether or not the privilege of granting or denying a legate entry into the kingdom was claimed on behalf of the king or the community of the realm, Foulquois instructed the Montfortians that no such privilege could exist: ‘God forbid, that the Roman Church would have bound itself by a particular law, so that it would not be able to visit other places... nor is any pope able to impose a law on his successor, since an equal among equals does not have this power, nor is a coming pope the heir of his predecessors, but their successor’.⁷⁴

At this point, Foulquois still focused his recriminations on the small group of barons who had put their seals to the initial letter denying him right of entry: ‘you – noble men and heads of the people – write to us, that you have ordained and asserted by common counsel in London that your privilege is that a legate who has not been asked for should not come to you’.⁷⁵ Before long, however, he could have had been in little doubt concerning the bishops’ collusion in this attack on papal jurisdiction. When the bishops wrote to Foulquois supporting the Montfortian constitution, in a letter to be discussed further in chapter seven, they confirmed their allegiance to the rebels. Later, as pope Clement IV, Foulquois was to condemn their actions as active participants in the subversion of royal power, as well as their disregard for papal authority. As members of the Montfortian council, he pointed out, the bishops of London and Chichester were as culpable as the barons. He also complained that the bishops had failed to publish his sentences of excommunication against the rebels and had ‘treated the orders with contempt’.⁷⁶ During the interdict pronounced by the legate, they had continued to celebrate the divine offices.⁷⁷ Throughout these turbulent years, the rift between the Montfortian bishops and the pope was as significant for those concerned as that between the

⁷² ‘*Mira siquidem ruditas et detestanda crudelitas negare matri, quod tartaris paganis schismaticis et penitus infidelibus non negatur, quorum legati ab omnibus regnis et curiis curialiter admittuntur*’ (Heidemann, 203).

⁷³ ‘*legatum suum non quemlibet, sed corporis sui partem et si non merito, saltem officio reverendum*’ (Heidemann, 203).

⁷⁴ ‘*Sed absit, ut Romana ecclesia lege propria se arctaverit, ne possit per alios visitare, quorum visitationem praesentialiter nequit adimplere, nec potuit aliquis summus pontifex legem ponere successor, quia non habet imperium par in parem, nec papa veniens praedecessoris haeres est sed successor*’ (Heidemann, 203).

⁷⁵ Those who put their seal to the letter forbidding the legate entry were Simon de Montfort, Peter de Montfort, Gilbert de Clare and Roger Bigod (Heidemann, 201 n.1).

⁷⁶ *CPL*, 419.

⁷⁷ *CPL*, 441.

lay and clerical Montfortians and the king. The conversion of these bishops from peacemakers to partisans had not only failed to prevent the kingdom from succumbing to civil turmoil but had precipitated an undesired, though hardly unexpected, ecclesiastical civil war.

Chapter Seven

The Montfortian Bishops and the Justification of Conciliar Government

Having joined the Montfortian party, the earl's ecclesiastical supporters undertook the task of justifying the reform movement to its critics. The arguments they produced are contained in three documents: the case put to Louis IX of France for an arbitration in January 1264, known as the *Mise of Amiens*;¹ the letters contained in the register of the papal legate, Gui Foulquois, cardinal bishop of Sabina, who conducted negotiations with the rebels in the summer of 1264;² and the *Song of Lewes*, written after Montfort's victory of May 1264.³ The *Mise* and the *Song*, though well known, have not been analysed in this context before, while the legatine register has received little attention.⁴ Brought together, these documents demonstrate how the bishops formed their arguments and how, in contrast to the shaping of ideas that influenced ecclesiastical support of Magna Carta, those arguments were developed not in the ivory tower of the schoolroom but in their immediate political context and marked fundamentally by considerations for the audience at which they were directed.

The group of curial barons who marched on Henry III's hall at Westminster in 1258 had put in place a council intended to provide a solution to what, as far as the barons were concerned, was the king's favouritism and liberality towards his half-brothers, as well as his

¹ *DBM*, 252–79.

² Heidemann.

³ *Song of Lewes*.

⁴ Robert Stacey has offered the only substantial analysis of the case put by the reformers to Louis at Amiens. He does not consider the *Mise* in relation to the other Montfortian productions dealt with in the present chapter, instead considering the influence of Thomas Cantilupe and the bishops in the representation of Henry III's apparent abandonment of a crusade to the Holy Land in favour of a conquest of Sicily in the *Mise* (Stacey, 'Crusades', 143). John Maddicott also provides discussion of the *Mise* (Maddicott, *Simon de Montfort*, 258–63). Maddicott makes use of Gui Foulquois's register in his biography of Montfort in order to reconstruct the chronology of events in 1264, though does not deal with the arguments of the bishops contained therein (Maddicott, *Simon de Montfort*, 291–306).

ill-advised and expensive schemes for Sicily.⁵ The king was forced to agree by oath to the formation of a council of fifteen. This council would appoint his ministers and allocate his castles as well as implement a general series of measures for the reform of the realm, which came to be known as the Provisions of Oxford.⁶ The king could not rule without the consent of this council; in fact, as Henry was to complain later, the council even ruled without consulting him.⁷ Although by 1261 Henry III had persuaded the pope to dissolve the oath that upheld the Provisions and regained much of his power,⁸ the Provisions were imposed once again, albeit temporarily, in the summer of 1263 when Montfort led a violent campaign against the royalists.⁹ The victory of Montfortian forces at the battle of Lewes in May 1264 allowed for the implementation of a new form of conciliar government, the Form of Peace, modelled on that of 1258. The new council was to be made up of nine men, appointed by three electors, who would make decisions according to the judgement of a two-thirds majority. Like the council of 1258, that of 1264 would have authority to decide the allocation of castles and the appointment of royal officers and ministers, as well as 'all other affairs of the realm'. Conciliar decisions were to be binding; it was now made explicit that 'the lord king shall do all these things by the counsel of the nine in this form, or they shall do them in place and on the authority of the lord king'. Unless some other settlement was agreed (which was unlikely) this system was to last through the lifetime of both Henry and his heir, the lord Edward.¹⁰ The council of 1264 had been imposed not just by threat but by the use of military force and was intended, explicitly, to cripple royal power in favour of conciliar government on a semi-permanent basis.

The group that assumed the task of justifying these measures was made up of five bishops – Walter de Cantilupe of Worcester, Richard of Gravesend of Lincoln, Stephen of

⁵ For an examination of the baronial complaints of 1258 about Henry's favouritism towards the Lusignans and the argument that Henry III treated his barons relatively well, see Carpenter, 'King, Magnates and Society'.

⁶ Carpenter, '1258', 187–8.

⁷ For the Provisions of Oxford, see *DBM*, 96–113; and for the Provisions of Westminster (which also came under the banner of the Provisions of Oxford), see *DBM*, 136–57. For Henry's complaints about the council, see *DBM*, 211–39, especially at 215, where Henry complains that the councillors 'hold their discussions and meetings at various places without the king's knowledge, not asking the king to attend them, nor summoning him to the council any more than the least person of his kingdom'.

⁸ Papal bulls dissolving the oaths had been issued first by Alexander IV and were published in England on 12 June 1261. His successor, Urban IV, issued confirmations of Alexander's decrees on 25 Feb. 1262 and 23 Aug. 1263 (*DBM*, 248–51 n. 1).

⁹ Carpenter, *Struggle for Mastery*, 374–6.

¹⁰ *DBM*, 294–301.

Berksted of Chichester, John Gervase of Winchester and Henry of Sandwich of London¹¹ – as well as Thomas de Cantilupe, Walter's nephew, a distinguished scholar of Paris and Oxford who was later to become bishop of Hereford.¹² Only the first two, Worcester and Lincoln, had demonstrable links to Montfort before this period, through the network of friendships that encompassed the earl, the Franciscan scholar Adam Marsh and Robert Grosseteste, bishop of Lincoln from 1235 to 1253.¹³ Both Worcester and Lincoln had been part of the reform movement from 1258.¹⁴ The backgrounds of the bishops of Chichester and London are relatively obscure, as is that of the bishop of Winchester, except that he had previously served Henry III as a royal clerk and his desertion to the rebel camp had provoked outrage in the king.¹⁵ The bishops of Chichester, Winchester and London probably only joined the reform movement after their respective promotions to the episcopate, in 1262 and 1263. With Montfort's victory at the battle of Lewes in 1264, these men became complicit in the captivity of the king and actively involved in the attempt permanently to restrict his power. The bishop of Chichester was one of the three electors appointed by the Form of Peace and the bishop of London and Thomas de Cantilupe were two of the nine who formed the new council.¹⁶ The attempt to defend the Montfortian regime was, therefore, not taken on by sympathetic observers but by active protagonists. The need to defend their own actions as much as those of Montfort and their baronial allies was to add an element of urgency to their case.

¹¹ Richard Gravesend was in all likelihood involved in the construction of these arguments but does not appear by name in any of the 1264 documents of justification dealt with here, probably because he was *persona non grata*. He was suspended from office by the pope on 2 June 1264 for contumacy, having failed to appear before him to answer accusations about alleged offences committed against clerks provided by the papacy. On the balance of probability, the alleged attacks took place in the summer or autumn of 1263 during the rebellion that broke out with Montfort's return to England (*CPL*, 400–1). Gravesend does, however, appear as witness to the Form of Peace (*DBM*, 298–9).

¹² Thomas had attained an M.A. at Paris and completed his studies in canon law at Oxford around 1255, where he incepted as doctor and was elected chancellor of the university in 1261. He was appointed by the reforming council as chancellor, keeping the king's seal between 25 Feb. and 7 May 1265. Thomas received the king's forgiveness for his part in the rebellion as early as Feb. 1266, though he soon left for Paris to continue his studies. He returned to royal service with the accession of Edward I (R. C. Finucane, 'Cantilupe, Thomas de [St. Thomas of Hereford] (c.1220–82)', *ODNB* (2004), available online at <http://www.oxforddnb.com/view/article/4570>; Carpenter, 'Thomas Cantilupe', 294–6, 299; Maddicott, *Simon de Montfort*, 259).

¹³ For Adam's letters to Walter Cantilupe, see *Letters of Adam Marsh*, 172–5, 175–7; and for his letters to Gravesend see *Letters of Adam Marsh*, 184–91, 206–15. For a discussion of this network, see *Letters of Adam Marsh*, xviii–xxx, xxxvii–xliii; Maddicott, *Simon de Montfort*, 79–84.

¹⁴ *DBM*, 100–1, 104–5; Richard Gravesend was not elected as bishop of Lincoln until 30 Sept. 1258, after the reforming parliaments of Westminster and Oxford, but joined the reformers immediately, travelling to France with Simon de Montfort and the earl of Gloucester to negotiate the peace with the king of France (*Dunstable*, 211).

¹⁵ *CLR* 1251–60, 177; *CR* 1261–4, 174, 382–3.

¹⁶ *DBM*, 295 n. 4, 5.

In some sense, the action taken by the Montfortians and the grounds on which the bishops might have built their case were based on deep-rooted concepts that were not unique to England or new in the thirteenth century. The general understandings that informed the focus of baronial demands in 1258 and in the later rebellion were long-held across Europe: government rested on a mutual relationship between a king and his subjects in which the former would consult the latter and rule justly.¹⁷ In England, in particular, the established and important role played by the great men of the kingdom in providing counsel for the king and consenting to royal policy can be traced back to at least the tenth century, while the belief that barons had not just the duty but the right to provide counsel, which the king had ‘at least a moral obligation to follow’, had begun to emerge by the turn of the thirteenth century.¹⁸ In this sense, the Montfortians, in advocating the importance of baronial counsel, were building on an ancient and widespread tradition. To some extent, moreover, the actions of the barons in 1258 and 1264 rested on the ‘accepted view’ that, should royal government fail to uphold the customary rights of its subjects, those subjects were entitled to take forceful action against the king under the leadership of the great men of the realm.¹⁹

In some sense, too, the bishops might have felt able to justify the reform of royal government and their role in its oversight by appealing to the precedent of their predecessors. English bishops had long been accustomed to chastising kings when they transgressed. As set out in Chapter One, it was a role modelled on the actions of Old Testament prophets and justified by Stephen Langton in his biblical exegesis, confirmed by the status of bishops as consecrators of kings. More than a right, the episcopal correction of wayward monarchs was an obligation. In the thirteenth century this had manifested itself in the actions of Langton in 1213, Edmund of Abingdon in 1234 and, amongst the episcopate more generally, in the enforcement of successive issues and reissues of Magna Carta by sentence of excommunication. As recently as 1253, the bishops had demonstrated their commitment to the charters and their duty to uphold them through the extensive publication of the general sentence of excommunication issued against those infringing the charters’ liberties.

There was, however, a crucial difference between upholding Magna Carta and supporting the Montfortian constitution of 1264. Magna Carta did not seek to control central

¹⁷ Reynolds, *Kingdoms and Communities*, xlviii.

¹⁸ J. R. Maddicott, *The Origins of the English Parliament 924-1327* (Oxford, 2010), 23–32, 119.

¹⁹ Reynolds, *Kingdoms and Communities*, xlviii.

government, while the council of 1258 had effectively taken the reins of government from the king's hands. The 1264 regime under Montfort's leadership went even further, cementing its power in the long term not only (as in 1258) by taking possession of the Henry's military assets but by taking possession of the king himself. In supporting their claims and participating in this type of action against the king, the Montfortian bishops went far beyond precedent. This becomes clear through a direct comparison of baronial action with the thought-world of Stephen Langton and Robert Grosseteste. It will be argued that no previous bishop came near to anticipating the views developed by the bishops in the crucible of the crisis of 1263–4.

As John Baldwin has shown, Langton's interest in the right of the subject to oppose the king if the ruler made a decision unjustly or without judgement was extensive. Writing probably in Paris, at the end of the twelfth century, Langton examined numerous contemporary scenarios to demonstrate that if a king made a decision without the judgement of his court then a subject could legitimately refuse to obey that decision and, indeed, was bound to do so.²⁰ A generation later, Robert Grosseteste wrote about the right to oppose a command when he discussed papal monarchy. There was, he believed, only a certain amount of power inherent in the pope's office and this was a constructive power, the power to do good:

‘the most holy apostolic see, to whom power of every kind has been given ... *for building up and not for tearing down* [2 Corinthians 10: 8], cannot either command or enjoin anything that verges on this kind of [destructive] sin ... For this would obviously be a failure, or a corruption, or an abuse of its most holy and plenary power ... And one who is a faithful subject of the same apostolic see ... cannot submit to commands or instructions of this kind ... He is instead obliged to oppose them and rebel against them with all his strength ...’²¹

Grosseteste was adamant that a subject could disobey a monarch who overstepped the mark, yet it is important to note that his argument was predicated on the belief in the (constructive) power of the ruler's office. Disobedience to individual holders of that office was justified only for the sake of upholding the office itself above all else. Crucially, then, like Langton, he assumed that a subject would make a decision to obey or disobey a ruler who acted contrary to the tenets of this office on a case by case basis. The ruler might give an order one day which was unjust or illegal and so demand disobedience but tomorrow might still be ruler and might make a good decision, or even a wrong decision made justly, in which case the subject would

²⁰ Baldwin, ‘Master Stephen Langton’, 815–20, 823.

²¹ *Grosseteste Letters*, 446.

be obliged to obey. These sorts of ideas made Langton and Grosseteste strong supporters of Magna Carta, which had bound the king to act within the law.²² Magna Carta, however, had not taken control of government from the king's hands. Neither Langton's nor Grosseteste's ideas offered justification for the 1258 revolution or the 1264 Form of Peace.

Grosseteste had, in fact, considered the idea of conciliar power but only to argue against it. He set out his objections in his analogy of papal government:

'Because the sun cannot by immediate presence shine everywhere on earth at one and the same time ... [it] illuminates the moon and stars [i.e., the cardinals and bishops] from the fullness of its own light, without any loss thereby to itself, so that when it is absent ... [they] shed light upon the earth. And when the sun itself returns and shows its presence to the earth, those lesser luminaries are hidden by the rays of the sun and yield to the sunlight ... It would be astonishing and utterly detrimental to the perfection of the earth's plants and animals if, at the sun's rising over the earth, the moon and stars were to attempt to obstruct its rays, so that it could not give light to the earth...'²³

In Grosseteste's view, the idea of inferiors opposing a superior in an attempt to diminish his power was contrary to the natural order. In fact the same could be said, Grosseteste argued, if the ruler himself has voluntarily diminished his own power, since 'in *Ecclesiasticus* it is stated that one should not so entrust his power to another that he would diminish it for himself [Sir 33:19-24], especially if the power is such that it may be entrusted to another and still be retained in full ... How would anyone not blemish his glory if he diminished the power bestowed upon him from above?'²⁴ Grosseteste's view echoed canon law arguments on the inalienability of royal power which held that, because a king was but a temporary custodian of the royal office, he was obliged to pass on all the powers of that office to his successors intact.²⁵ These arguments had been invoked by the papacy to protect royal power, most notably in the bull *Intellecto* of 1220 made in favour of the king of Hungary, but also to protect Henry III himself in the twelve-thirties.²⁶ The intellectual tide, in fact, was against any move that inhibited the scope of the royal office, especially in a way that would affect future office-holders, as the Form of Peace had done by providing for the conciliar control of government throughout the reign of Henry and his heir.

²² Baldwin, 'Master Stephen Langton', 829; d'Avray, 'Magna Carta', 432-4.

²³ *Grosseteste Letters*, 401-02.

²⁴ *Grosseteste Letters*, 385.

²⁵ P. N. Riesenbergh, *Inalienability of Sovereignty in Medieval Political Thought* (New York, 1956), 3.

²⁶ Riesenbergh, *Inalienability*, 48, 113-14, 120-1.

If the Montfortian bishops could not find the authority for their case in works closely associated with their milieu there was, potentially, at least one other line that they might have pursued in order to justify the curtailment of Henry III's power. The barons and bishops of Portugal had as recently as 1245 been successful in convincing the pope to detach their king from royal power on the grounds that he was *rex inutilis*, meaning that Sancho II was deemed *insufficiens* as a king. At least one of the Montfortian circle, Thomas de Cantilupe, was present at Lyons in 1245, where he might have witnessed Innocent IV's action against Sancho.²⁷ Even if the Montfortian bishops were not familiar with Sancho's case, the theory was founded on canon law relating to the episcopal office, with which they were likely to be familiar.²⁸

The potential viability of such a course of action by the Montfortians is suggested by similarities in the complaints made against both rulers. Sancho's actions were never considered tyrannical; instead his subjects alleged that it was his negligence and idleness that led him to follow the evil counsel of unscrupulous characters and violate ecclesiastical liberties.²⁹ One of the accusations made by the English Church in 1256 had been that Henry's *simplicitas* (a key characteristic of any *rex inutilis*) had laid him open to the suggestions of treacherous counsellors and that the kingdom had suffered as a result.³⁰ Complaints against Henry's attitude towards ecclesiastical liberties and resources were prominent in the various schedules drawn up at meetings of the English clergy throughout the twelve-fifties.³¹ In 1264, moreover, the Montfortian bishops insisted that they still regarded Henry as their prince and that the members of his council were merely supposed to assist the king in the performance of his duties.³² This view appears to echo canon law, which stated that *rex inutilis* – as opposed to

770 *Acta Sanctorum: Octobris*, Vol. i (Antwerp-Brussels, 1643), 545.

²⁸ Peters, *Shadow King*, 131–2.

²⁹ Peters, *Shadow King*, 138–9.

³⁰ Burton, 361; *C&S*, 508.

³¹ *C&S*, 467–72, 501–9, 524–48, 568–85.

³² '*videre non possumus nec intendimus, quod regiam [forma pacis] evacuet aliquatenus potestatem, maxime cum omnes regnicolae sine exceptione quacumque ipsum regem nostrum agnoscant ut dominum et agnoscere sicut antea velint in posterum et tamquam principem revereri, nec ipsos praedicti domini regis ministros et consiliarios praecipuos, quos reges vocatis, volumus regem esse, nec imposita eis laboriosa sollicitudo et labor sollicitus interpretationem huiusmodi nominis patiuntur, cum magis servi quam domini, magis milites quam principes inspecto fine officii sui iure debeant nominari*' (Heidemann, 226–7). That the reformers were faithful subjects of the king and never intended to diminish his status was a determined and consistent claim from the beginning of the movement (see, for instance: *CM*, V, 706; Burton, 464; *DBM*, 222–5).

a tyrant – could not be deposed, but would retain the royal dignity and be given a coadjutor to fulfil the administrative functions of the office, as had happened in the Portuguese case.³³

There were several factors, however, that meant that the *rex inutilis* theory could not easily be applied by the Montfortians. The papacy had only recognized Portugal as a kingdom in its own right in 1179, at which point Alexander III had made clear that the purpose of Portuguese kingship was to prosecute the crusade in the Iberian peninsula. Portuguese kings – expected to be ‘intrepid destroyer[s] of the enemies of the name of Christ’ – could thus be judged against fairly clear criteria.³⁴ English kingship, on the other hand, was based on a much more complex array of responsibilities. This meant that its image was more flexible and, consequently, so were its criteria for success. Moreover, unlike Sancho, Henry III was a crowned and anointed king whose office reached far back into the distant past, so that he was protected both by the sacrality and durability of his office. Importantly too, canon law clearly placed the pope at the centre of any such action against the alleged *insufficiens* king; even if opinion among canon lawyers was divided as to whether it was necessary for the pope to remove the king from power himself or whether the barons and clergy could act with papal approval,³⁵ the precedent provided by the Portuguese case would suggest that the English would need to petition the pope for Henry’s removal before making any move. This could not be done for two reasons. First, while Sancho’s removal from power was the result of several years of concerted action by the barons and bishops of Portugal,³⁶ the coup of 1258 was a more or less spontaneous reaction produced by a charged political atmosphere.³⁷ Second, the papacy was not likely to take such drastic action against Henry III, a papal vassal whom the papacy had long protected and who until recently had been the chief hope of papal ambitions in Sicily, until thwarted by his subjects’ reluctance to offer financial support. Moreover, Henry’s interests at the papal court might be protected by the lobby he had built up there in the preceding years.³⁸ Even if the papacy’s disapproval of action against Henry could not be predicted in 1258, it would become clear when successive popes pronounced the Provisions

³³ Peters, *Shadow King*, 124.

³⁴ Peters, *Shadow King*, 141–2; Lay, *Reconquest Kings*, 3, 141–2, 245, 253.

³⁵ Peters, *Shadow King*, 120–1.

³⁶ Peters, *Shadow King*, 146; Lay, *Reconquest Kings*, 242–3, 251, 253–4.

³⁷ Carpenter, ‘1258’, 190–5.

³⁸ P. Cole, D. L. d’Avray and J. Riley-Smith, ‘Application of theology to current affairs: memorial sermons on the dead of Mansurah and on Innocent IV’, in N. Bériou and D. L. d’Avray (eds.), *Modern Questions about Medieval Sermons: Essays on Marriage, Death, History and Sanctity* (Spoleto, 1994), 217–45, at 242–3.

of Oxford invalid and the oath that upheld them illegal.³⁹ Action against an alleged *rex inutilis* was predicated on papal authority and such a case against Henry could not be made without the pope.

So while some regions of the bishops' intellectual landscape provided the backdrop for the Montfortian case, the normative discourse of royal power simply did not permit any clear justification for the type of action taken against Henry III. The result was that, first, the Montfortian bishops needed to construct new arguments in 1264 and, second, in so doing they had to contend with a considerable level of intellectual discomfort. This meant that the process by which they formed their arguments was entirely different from that of earlier episcopal proponents of governmental reform. For instance, almost all of Langton's writings on political ethics were completed in all probability during his time in Paris. The biblical exegesis which encompassed his argument that the king should carry with him a written volume of the law by which he must abide was finished long before Langton was insisting on the issue of Magna Carta in 1225 and pronouncing excommunication on those who violated it.⁴⁰ In contrast, the Montfortian bishops did not begin with pre-established ideas about the permanent limitation of the king's power through the medium of conciliar government. The point of departure in this case was the decision to act. The bishops only began to map out their arguments later, and then only because they were forced to justify themselves as a result of the opposition of various parties. What can be seen here is the ad hoc working out of ideas, not a coherent philosophy.

The arguments composed by the Montfortian religious milieu were all produced in a period of civil war amid intense pressure. It was this context that shaped their form. The material incorporated into the Mise of Amiens and the letters to the papal legate is not entirely representative of Montfortian thinking. Instead it is a highly selective case fashioned for a particular audience. Unlike Langton, who had worked out his ideas relatively free from

³⁹ *DBM*, 238–47, 248–51.

⁴⁰ This work was probably completed 1187–93 (d'Avray, 'Magna Carta', 424–8, 432–3). Similarly, Edmund of Abingdon, in issuing an ultimatum to Henry III in 1234 whereby he threatened the king with excommunication if he would not expel malicious counsellors, provide justice and observe the principles embodied in Magna Carta, had the thought of Langton, his mentor and predecessor, as well as the precedent of Langton's involvement in the reissue of Magna Carta in 1225, from which to draw (*CM*, III, 272). It is possible that Edmund actually studied under Langton in Paris, although in any case he had 'shown himself a fearless critic of government in the Langtonian tradition' (Lawrence, *St Edmund of Abingdon*, 122, 158; d'Avray, 'Magna Carta', 433).

constraint, in Paris, with no sense that they were part of an immediate political battle, the Montfortian authors were restricted to a great extent by what they knew to be acceptable to their audience. Since this included, at different stages, the king of France and the papal legate, the authors had to skirt over, or even conceal, some of the trickier points. Although the *Song of Lewes*, seemingly intended for a wider and more sympathetic audience, comes closer to revealing the range of justifications to which the Montfortian bishops were able to turn, the lack of scriptural or scholarly authority cited in support of the imposition of the conciliar government hints at a discomfort with the more controversial aspects of Montfortian action and highlights the precariousness of the bishops' case. It is not possible, then, to offer a simple correlation between the ideas put forward in these arguments and the actions of these bishops. What is possible, however, is to offer some explanation of this process of justification, of how and for what purpose these arguments about conciliar government were selected and developed.

This process began when both the Montfortians and the royal party submitted their cases to the judgement of the king of France at Amiens in January 1264. Both parties had compiled their arguments in document form, with the Montfortian case probably drawn up by Thomas de Cantilupe.⁴¹ Knowing that so much might depend on the result, the reformers' case represents the most comprehensive and self-conscious attempt at justifying their actions hitherto attempted. The case put by the king in December 1263, with which Thomas and his colleagues had to contend, was straightforward.⁴² Henry's objection to the restrictions placed upon him was based largely on custom. The barons, as Louis was told, had made sure that Henry's ministers and officers were chosen by the baronial council, whereas the king and his ancestors had been accustomed to appoint and remove officers at their pleasure.⁴³ Henry's case was underpinned by a final note, which stated that this argument was valid because 'the lord king cannot do or grant the aforesaid things against his oath which he took at his coronation'.⁴⁴ Here Henry apparently referred to that part of the coronation oath which bound the king to preserve the laws and customs of the realm and to revoke illegal alienations of royal rights.⁴⁵ The implication was that Henry was thus obliged to maintain the king's right to appoint his own ministers. As we have seen, this argument could be supported both by canon

⁴¹ *DBM*, 252–79; Stacey, 'Crusades', 143.

⁴² Stacey, 'Crusades', 141.

⁴³ *DBM*, 252–3.

⁴⁴ *DBM*, 257.

⁴⁵ *DBM*, 256–7 n. 8; H. G. Richardson, 'The English Coronation Oath', *Speculum* 24 (1949), 44–75, at 51.

law and by contemporary theological arguments. Moreover, as much as the coronation oath was binding, the oath to uphold the Provisions of Oxford was not, as Henry pointed out, since the pope had annulled it and all who adhered to that oath were excommunicate.⁴⁶ Henry's case lacked eloquence or flare but it was legally sound and in its insistence that the rights of the crown be preserved undiminished it was sure to appeal to Louis IX.

The reformers' case was far more extensive than Henry's. This was a detailed attack on Henrician rule: the king had breached Magna Carta; his administration was riddled with abuse and his government corrupted by foreign favourites; royal revenue was diminished and justice denied.⁴⁷ For these reasons and others, 'it was necessary to find a remedy ... to choose certain prudent and trustworthy men to advise the lord king, who alone, no matter how wise he might be, could not suffice to deal with all those things which are involved in the administration of his kingdom'.⁴⁸ The emphasis was thus on the sharing of the burden of royal government not to diminish the king's status but 'for the honour of the lord king and for the common advantage of his kingdom'.⁴⁹ This action was necessary because as 'human malice grows this purpose [of reforming the realm] could be achieved in no other way'.⁵⁰ The Montfortians adhered to the line (used initially in 1258) that the king had consented to the establishment of the council, which 'it pleased him to grant to the leading men and the magnates of his kingdom' and which he had 'promised ... in good faith by an oath sworn upon his soul'.⁵¹

By concentrating on complaints about corrupt government and the urgent need for reform, the Montfortians no doubt intended to strike a chord with Louis IX, who was engaged in his own campaign of reform in France.⁵² Knowing, though, that Louis would not approve of

⁴⁶ *DBM*, 256-7.

⁴⁷ *DBM*, 256-79.

⁴⁸ *DBM*, 263.

⁴⁹ *DBM*, 265.

⁵⁰ *DBM*, 265.

⁵¹ *DBM*, 257.

⁵² For the programme of reform of royal government enacted by Louis IX on his return from crusade, John of Joinville, 'The life of Saint Louis', in *Joinville and Villehardouin: Chronicles of the Crusades* (Penguin Classics, 2008), 320-3; J. le Goff, *Saint Louis*, trans. G. E. Gollrad (Paris, 2009), 157-61. The suggestion that certain aspects of the Montfortian case outlined in the Mise – that sheriffs would be appointed on an annual basis and would have to give an account of their stewardship and that there should be provisions preventing the bribery of councillors – are reminiscent of Louis's programme is made by Stacey, 'Crusades', 141. That is not to say, however, that the many of the reforming measures

the diminishment of royal power, especially by force, the Montfortian arguments concerning the establishment of the council, its binding powers and its ability to choose ministers rested entirely on the consent of the king and the oath he had provided. If this line was intended, as it surely was, to obscure the fact that Henry had not in fact given his consent willingly in 1258,⁵³ it would be negated by the king's testimony, supported by the pope's dissolution of the oath on the grounds that it was extracted under duress and was therefore illegal.⁵⁴ There was also the matter of the continuing and institutionalized coercion embodied in the Montfortian form of conciliar government whereby, as Henry complained and the Montfortian case freely admitted, royal castles would be held only by men appointed by the council and could only be delivered to the king by conciliar authority, thus leaving him utterly unable to defend himself against the reformers.⁵⁵ The claim that the king was sharing his power voluntarily was clearly false though, in any case, it could not be upheld given that canon law insisted on the inalienability of royal power.

Louis's judgement – perhaps not unsurprisingly – came down on the side of Henry.⁵⁶ The Provisions of Oxford, as he saw it, had 'greatly harmed' the 'rights and honour' of the king. The king of France added his force to the pope's decree that the statutes should be quashed, all oaths pertaining to them dissolved and the king of England restored to his full power. Moreover, Louis cracked down on the crucial matter of the reformers' coercion of the English king, decreeing that all castles held by the reformers should be restored and that Henry must be able to appoint his own ministers.⁵⁷

As matters transpired, Louis's judgement was only a temporary blow to the reformers' ambitions, as within four months Montfort had defeated royal forces at Lewes and had taken

of the Provisions of Oxford were not genuinely inspired by Louis's programme, as Maddicott suggests (Maddicott, *Simon de Montfort*, 169).

⁵³ Carpenter, '1258', 187–8.

⁵⁴ The royal family, according to Urban IV, had provided their oaths to the Provisions 'under the compulsion of a certain pressure from their barons ... to the diminution of the power of the king and to the depression of royal liberty' (*DBM*, 249).

⁵⁵ *DBM*, 254–5, 258–9.

⁵⁶ For an evaluation of different explanations of why the Montfortians agreed to submit to Louis's arbitration, see Maddicott, *Simon de Montfort*, 258. As Maddicott suggests, their agreement might well have been the result of over-confidence, given the expectation that Montfort would be present to convince Louis in person. This plan was disrupted when Montfort broke his leg: 'In keeping him at home, Montfort's broken leg, like the length of Cleopatra's nose, may have been one of those contingencies which change the course of history' (Maddicott, *Simon de Montfort*, 259–60).

⁵⁷ *DBM*, 286–9.

the king captive. Over the course of the summer and autumn of 1264, though, the Montfortian bishops were faced with the challenge of justifying the new regime to the papal legate, Gui Foulquois, who had been sent to ensure Henry's restoration. Foulquois had been carefully chosen by Urban IV because he had previously been a member of Louis's council and was still on good terms with the French king.⁵⁸ The pope clearly intended that the two join forces to restore Henry, and even empowered Foulquois to preach a crusade for their purpose across Europe, which Louis would potentially lead.⁵⁹ In the summer of 1264, this must have appeared to the Montfortians as a very real threat, with Henry's wife, Queen Eleanor, supported by Louis, mustering an army on the French coast.⁶⁰ The Montfortian bishops were in a difficult situation. Since the barons had refused the legate entry to England, Foulquois had turned to the bishops, pressuring them to coerce the barons into obedience. The resulting tussle is recorded in Foulquois's register, which provides not only the arguments put by both sides for and against the Form of Peace but the context that is crucial to understanding their production.

Refusing to accept the bishops' excuses that the barons were preventing them from visiting him in France, Foulquois confronted them about their endorsement of the Form of Peace. The legate wrote that he was amazed that the bishops had agreed to the Peace since it 'empties the liberty of royal power', effectively deposing the king and elevating three kings (the three electors) in his stead. This not only left the kingdom open to factional divisions but undermined the authority of the pope (who had already annulled the oath that upheld the Provisions of Oxford and supported Louis's judgement at Amiens) and confounded customary law. The bishops had requested that the legate urge the king of France to promote the Peace; at this Foulquois was amazed (as well he might be), since Louis had already pronounced

⁵⁸ *CPL*, 396. From an aristocratic family of St. Gilles, Gui had studied law but had joined the Church only after the death of his wife, who had borne him several children. He had served Alphonse of Poitier, one of Louis IX's brothers, before Louis recruited him to the royal council on his journey home from crusade in 1254. Gui also worked for Charles of Anjou, taking part in domestic politics as well as negotiations with the papacy over the kingdom of Sicily. Through the six years that he served Louis and his brothers, Gui quickly climbed his way up the ecclesiastical career ladder, becoming bishop of Puy in 1257 and archbishop of Narbonne in 1259. He was the first cardinal to be created by Urban IV, in 1261 (J. Maubach,

IV, Alexander IV, Urban IV, Clemens IV, 1243–1268 (Bonn, 1902), 91–3).

⁵⁹ *CPL*, 396–400.

⁶⁰ Maddicott, *Simon de Montfort*, 282; Carpenter, *Struggle for Mastery*, 377.

against everything it stood for. Foulquois urged the bishops to come to him at Boulogne and explain their position.⁶¹

Despite his evident misgivings, however, Foulquois responded to baronial complaints that he had dismissed the Form of Peace without good cause,⁶² pointing out that in fact he had not made any definite pronouncement on the matter. While he did not believe the Form of Peace to be equitable, he would willingly hear any evidence to the contrary if only the reformers would meet him and offer it. Foulquois was, therefore, amazed (once again) that the barons had apparently forbidden the bishops to visit him. The barons had no right to do this and in any case their actions were counterproductive, since they would neither let the legate enter England nor allow the bishops to come to France, when the legate was in need of their counsel. Foulquois told the barons that if they should continue in this vein they would incur excommunication.⁶³

The Montfortian bishops were in a precarious position. If they went to meet the legate, he might order them to issue sentences of excommunication and interdict against the reformers in England. If they continued to avoid the legate's summons, both they and the barons would face excommunication. Yet they would not abandon reform. One path alone lay open to them, by which the bishops might reconcile their loyalties, avoid spiritual punishments and dissuade the legate from supporting Queen Eleanor's military action. The

⁶¹ *'mirari possumus et debemus assensisse vos paci, quae libertatem regiae potestatis evacuat, quae uno rege deposito vel sepulto triumque regum soliis elevatis multiplicatis capitibus multis periculis et schismatibus Angliae regnum exponit, quae summi pontificis auctoritatem evacuat ... quae iuris solitum confundit ordinem ... Mirari rursus possumus et debemus, quia nos armari suadetis audacia ad serenissimum regem Franciae inducendum, ut pacem illam promoveat, quae prolaturum ab ipso arbitrium et per summum pontificem postea confirmatum per articulos singulos abolet et exterminat et eidem in omnibus et per omnia contradicit ... Vos autem ad nos, si dignum duxeritis, venietis et super regni vestri negotiis audiemus vos extra regnum'* (Heidemann, 220–1).

⁶² *'intelleximus per eosdem [nuncios] vos pacem quandam inter dominum nostrum regem et nos provide et non sine magna deliberatione ordinatam ac a domino rege, praelatis et procivibus omnibus ac communitate tota regni concorditer acceptatam, ex abrupto et sine omni causae agnitione quassasse ac quassatam penitus et irritam nuntiasse de publica, ut videtur, quodammodo turbatione puritum et ad discordiam potius quam ad concordiam suspensum habentes desiderium'* (Heidemann, 222).

⁶³ *'Demum de pace, quam petitis acceptari, vobis aliud respondere non possumus, quam regi responderimus et praelatis: Pacem enim his non credimus parem; si quis tamen contrarium nobis ostenderet, eum libenter super hoc audiremus. Miramur autem non modicum, quod praelatos ad nos venire non sinitis, prout scribunt, cum id vobis prohibere non liceat, et si hoc facitis, eo ipso excommunicationis sententiam, quam in prohibentes tulimus, incurratis. In hoc etiam utilitati propriae manifeste videmini contraire, cum nec regnum nos ingredi patiamini nec ad nos praelatos accedere, quorum consiliis tam in pace quam aliis regni negotiis indigemus'* (Heidemann, 225).

legate had written that he would willingly hear any evidence they could offer to justify the Form of Peace. Could he be persuaded?

If the bishops were to succeed, they would have to abandon the previous lines of argument put forward for conciliar government. A long list of grievances and the simple pretence of consent had not persuaded Louis at Amiens and so clearly would not succeed now after Lewes and with a legate who was working in partnership with the French king. The reformers had always been on sticky ground because they were proposing novelties in the face of custom. In such a debate, custom would always be given the benefit of the doubt. One way of tackling this would be to argue that the custom in question was a bad one and so should not stand. Though any (hypothetical) argument that the custom of the king heading a kingdom's government was a bad one in principle lay far beyond the bounds of the bishops' mental landscape. The alternative approach, and one suited to their academic backgrounds, was to supply authoritative precedents in order to demonstrate that what appeared to be novelty was not actually novelty at all. This is the path that the Montfortian bishops took. Mindful that their audience was a papal legate, their response was a three-fold appeal to precedents provided by the highest authorities: God's ordering of the universe, papal government and the Bible. If they could show that God or the pope had provided for conciliar government, they could not only justify the system itself but also their own involvement, as churchmen, in upholding it.

The supreme ruler of the universe, as the bishops wrote to the legate at the end of August, provided heaven with a mover – the chief angel – who ordered and directed the universe. God had also created the stars and choir of heaven for the same purpose: the governance of the world below. Furthermore, the legate was told, one might turn to the example of the pope's government of Christendom in conjunction with the bishops and college of cardinals. Did the pope not delegate his power to his brothers, making them his coadjutors, allowing them to pass judgement in his name? This delegation, argued the bishops, provided a significant degree of power to judges-delegate, yet nobody would claim (as the legate had by comparison) that it created multiple popes. Finally, the bishops argued, one could read in the

Bible that Moses himself instructed that wise and noble men be appointed as princes, chosen by the people of their tribe, without any detriment to his mastery.⁶⁴

All three appeals to precedent emphasized the initiative of the ruler – the equivalent of the king – in setting up a council or body to assist him and thus to share in his power. The implication of the bishops' argument was that if the king was merely delegating his power and doing so freely then there could be no damage to royal power *per se*. This would support the bishop's insistence – stated here in support of their argument – that they could not see how the Form of Peace emptied royal power and did not intend that it should do so, because the whole kingdom recognized the king as lord and wished to acknowledge him as prince in the future as it had before. Nor, the bishops avowed, should those ministers and counsellors of the king, whom the legate called kings, be thus named. They should be called servants rather than lords, knights rather than princes, when the limit of their office was justly considered.⁶⁵

To the uninformed observer, this might have seemed fair. After all, as Grosseteste had shown, those deputed by the pope drew their power from him for the sake of the governance of a realm that was too large for one man to manage alone. In an echo of the arguments made at Amiens, the emphasis was thus placed on the sharing of the burden of government, in itself a necessary and natural objective, as demonstrated by the example of Moses, to which the bishops now turned, who had pleaded with God to ease his burden of the leadership of the Israelites.⁶⁶ These arguments, though, again concealed the uncomfortable reality that Henry

⁶⁴ *'Et super constitutione ministrorum huiusmodi tam de summis quam de infimis sumamus exempla, ecce rectorem universitatis altissimum coelo scimus dedisse motorem, qui sub ipso inferiora dat cuncta moveri luciferumque vesperumque pleiades et stellas ceteras coelique concentum similiter ordinasse ad inferiorum naturale regnum eorundem. Summus pontifex etiam nos, sicut et ceteros sanctae Romanae ecclesiae cardinales sibi ut fratres et coniudices facit in proferendis iudiciis assidere vel ad ipsa etiam proferenda delegat; et tamen plures deos aut papes penitus abnegamus, licet praemissa sub eis non minimam habeant, sicut praediximus, potestatem. Populi insuper Israelitici Moysem ducem et rectorem electos per ipsos de suis tribubus viros sapientes et nobiles absque sui magisterii detrimento constituere principes legimus praecepisse'* (Heidemann, 227).

⁶⁵ Heidemann, 226–7.

⁶⁶ Numbers XI:10–17. That the creation of Moses's council was divinely ordained must have helped to recommend this passage to the bishops. To the biblical account the bishops made their own addition, however, in which the 70 elders of Israel were chosen or elected by the tribes themselves. In fact, God had commanded Moses to gather 70 men whom he (Moses) knew to be *'senes'* and *'magistri populi'*. The version of Exodus XVIII:13–26 emphasizes Moses's role in the choosing of his helpers, but still provides no basis for the bishops' claims that the helpers were chosen by the people of their tribe. This seems a rather muddled attempt to fit the biblical example to the Form of Peace, in which the author seeks to present the agency of the king in ordaining the formation of the council and the barons in electing its members. It little seems to fit with the other two appeals to precedent: the human race has no say over

III had not in fact consented to the formation of the council. Moreover, the Montfortian council had diminished royal power permanently or semi-permanently, which could not be allowed under canon law even if the king had consented. For the bishops, there was just no clear way of resolving these problems, at least not in a way that might prove acceptable to the legate.

In response, Foulquois struck at the heart of these arguments. Writing to the bishops, the legate pointed out that while it was indeed true that the pope enjoyed the counsel of the cardinals, in fact he was not bound by that counsel. If two-thirds of the cardinals consented in any matter, Foulquois asked, was the pope compelled to acquiesce to their sentences? The very thought was clearly shocking to the legate, who underlined his point with the insistence that the pope's liberty was his highest honour.⁶⁷ There was also an irreconcilable problem, in Foulquois's view, in comparing the relationship between the king and the council to that between God and the angels. God might have appointed a deputy and shared some of His power but nobody could bind God to retain that deputy. God's choice was unconstrained and reversible but in fact He alone, if He wished, was able to make a permanent decision about the sharing of His power, because in His infinite knowledge He knew which angels were good and which were bad as well as all events in the future which might affect His choice of ministers. The king, though, was human and did not have this knowledge; times and situations changed and what had at first been a good appointment could turn out to be a bad one. The king, then, needed to be able to change his ministers according to circumstances and to his needs and, thus, to impose his counsellors on him was an unacceptable limitation on his liberty.⁶⁸

which angels are appointed in Heaven and it is the pope, ultimately, who appoints judges delegate. This remoulding of the biblical account cannot have done the bishops' case many favours. In fact, in his answer the legate ignored the example of Moses altogether. The author is grateful to Mike Clasby for his suggestions on the biblical passages.

⁶⁷ *'Quid de Christi vicario nobis obicitis! habet utique cardinales et eorum consiliis utitur, non ligatur; numquid enim si duae partes consentiant cardinalium in re aliqua, papa cogitur eorum sententiis acquiescere? Absit hoc, absit a venerabili coetu nostro, ut sub obtentu necessitatis urgentis hoc nobis privilegium defendamus. Eius enim libertatem in summo supremum reputamus honorem'* (Heidemann, 229).

⁶⁸ *'Si coeli rector et conditor ... cum motore ab eodem, ut dicitis, ad motum primi mobilis deputato ... si, inquam, dominus omnium infallibili providentia cuncta disponens ad singula ministeria novit utique, quos elegit, nec purgato semel illo spirituum supernorum collegio in suis electis angelis reperit postea pravitatem talemque coeli motorem constituit ... quem utique ab aeterno providerat sibi creditum ministerium prudenter atque fideliter impleturum, talem tamen praefecit huic officio, ut nulla se lege constrinjerit, quin proprio posset arbitrio committere illud alii; sed eum, cui credidit, talem fecit, ut alium non oporteat subrogari; certe reges, qui ex hominibus assumuntur, quorum incertae sunt providentiae, quibus omnia in futurum servantur incerta nec, quos eligunt, tales habent, nec sua sic possunt stabilire consilia, quin pro diversitate temporis et varietate causarum absque nota qualibet inconstantiae ipsa valeant variare, hac in re suae potestatis libertate privantur, si necesse habent certarum regere*

Foulquois had demonstrated that the precedents supplied by the bishops did not work in support of the Form of Peace because they concealed its fundamental purpose: the permanent alienation of royal power in favour of a council. By discrediting these arguments, Foulquois successfully dismissed any justification the bishops had for supporting the Form of Peace (or, at least, any justification that they were prepared to present to him). The bishops now knew that they might face the broad sentence of excommunication that the legate had pronounced on the rebels and their supporters.⁶⁹ Moreover, since they had admitted their complicity with the barons, the legate would hardly believe their excuse that the barons were preventing them from leaving England to visit him.

They decided to face the legate. The bishops of London, Worcester and Winchester, accompanied by Hugh Despenser and Peter de Montfort, met Foulquois in France at the end of September. The Montfortian delegation brought the proposal of a compromise, in which the king's counsellors might now be chosen by a committee comprising the archbishop of Rouen, the bishop of London, Peter the Chamberlain, Hugh Despenser and the legate himself. No attempt was made to define the power of these councillors: the king, quite simply, should make use of their counsel and trust them in giving justice.⁷⁰ This rather opaque statement perhaps invited more questions than it answered and, while the legate deliberated on the compromise, he seized the opportunity to pin the bishops down on his primary objection to the Montfortian conciliar government: the freedom of the king to make decisions. It was the removal of this freedom against which Louis had railed at Amiens and that the bishops had sought to conceal. Foulquois put it to them: would the bishops agree with the barons that the king of England should be forced to have certain counsellors and to follow their counsel precisely? There was no room now for prevarication: each one in turn responded, simply, 'Yes'.⁷¹

personarum consilio, cum sit necessitas semper contraria libertati, prout civili cautum est sanctione' (Heidemann, 229).

⁶⁹ The legate voiced his suspicions and warned the bishops to examine their consciences on the matter (Heidemann, 228).

⁷⁰ '*Potestas consiliariorum in his consistet: In primis utatur rex eorum consilio et eis credat rex in iustitia singulis sine exceptione personarum exhibenda*' (Heidemann, 237).

⁷¹ '*Interrogavit episcopos Angliae supradictos, an ipsi consentirent cum baronibus, quod rex Angliae ad certos habendos consiliarios et eorum praecise sequendum consilium arctaretur. Et responderunt sigillatim, quod sic*' (Heidemann, 238).

Possibly around the same time that the Montfortian bishops were making their argument to the legate, another version of the Montfortian case was under construction in the form of the *Song of Lewes*. This poem was probably written by a friar in the household of Stephen Berksted, the bishop of Chichester, and so is highly likely to reflect the views of the episcopal circle surrounding Montfort.⁷² It was probably intended to convince the clerical or lay elite who were either sympathetic to reform or still sitting on the fence, whose support would help to stabilize the new regime. Unlike Louis IX and the papal legate, this audience was neither openly hostile to the Montfortians nor had any real power to damage them if it disagreed with their arguments. Such a context gave the author far more room in which to make the Montfortian case. Moreover, even given the understanding that Montfort's impressive victory signified divine approval for the reformers,⁷³ the fact that the king had been defeated in battle and was held captive by the Montfortians meant that there could now be no pretence that the king had consented to the formation of a council.

That this line of argument had been removed from the Montfortian case forced the author of the *Song* to embrace a new approach. He outlines the king's complaint that the barons themselves were able to choose their own officers and distribute their castles and lands as they saw fit: 'Why is the prince made of worse condition, if the affairs of a baron, a knight and a freeman are thus managed?'⁷⁴ The author, though, argues that a king cannot be compared to a baron. The actions of the king's duplicitous foreign counsellors had a detrimental effect on the entire kingdom, not just on the king: 'for it concerns the community that wretched men be not made guides of the royal dignity, but the best and chosen men and the most approved who can be found. For since the governance of the realm is the safety or ruin of all, it matters much whose is the guardianship of the realm'.⁷⁵

This line might echo the Roman law maxim that 'what touches all must be decided by all' and the traditional idea that a king should govern for the good of the community. What is new here, though, is the way in which these beliefs are applied to justify permanent

⁷² The authorship of the *Song* is suggested by the fact that Stephen Berksted is the only Montfortian mentioned by name and is given a prominent place in the poem (*Song of Lewes*, ll. 193–252); P. Hoskin, 'Holy bishops and political exiles: St. Richard's cult and political protest in the late 13th century', in P. Foster (ed.), *Richard of Chichester: Bishop 1245–1253: Canonized 1262* (Chichester, 2009), 22–37, at 30.

⁷³ *Song of Lewes*, ll. 79–184.

⁷⁴ *Song of Lewes*, ll. 505–13.

⁷⁵ *Song of Lewes*, ll. 805–11.

restrictions on the king's power. It was the barons' responsibility to purge the land of error,⁷⁶ so clearly, the author argues,

'how would it not be lawful for them to take foresight lest any evil happen which might be harmful; which, after it may have happened, they ought to remove... Thus that none of the aforesaid things may come about, which may impede the forming of peace or good customs; but that the zeal of the skilled may come in, which may be more expedient to the interest of the many; why should not improvement be admitted wherein no corruption is mingled?'⁷⁷

In other words, it was 'lawful' for the barons to coerce the king and take over government. This was an important development, made possible by the relative freedom of the author of the *Song*: the explanation of why the reformers had the right to act and why they had to restrict the king's power permanently by means of a council, rather than just correcting past abuses on an *ad hoc* basis and protesting against individual acts of injustice.

Whether by direct influence or not, the sorts of arguments in favour of Montfortian action contained in the *Song* seem to have found a sympathetic audience at Oxford. This is suggested from apparent allusions to the earl made by Thomas Docking, Franciscan lector at Oxford between 1262 and 1264, in his commentaries on the Pauline Epistles: 'It seems to me ... that if some man who is prudent and well fitted for the business of rule, seeing God's people endangered by defect of government, should aspire to the dignity of ruling solely for the love of God and the benefit of his subjects, his aim is good and he desires to do a good work'.⁷⁸ Significantly, Docking's musings are similar to the case put forward in the *Song* in that both are characterized by the belief in the virtue of Montfort's motives. Although the *Song* is littered with scriptural references, none is cited in support of the imposition of a conciliar government. Like Docking's statement, it lacks the scriptural or scholastic authority that one would expect a scholarly apologist to provide in support of an argument. Both, perhaps, are more expressions of sentiment than rigorous exposition.

Another Oxford scholar whose writings show that he might have been supportive of the reform movement was John of Wales, lector of the Oxford Franciscans before Docking, between 1259 and 1262.⁷⁹ In his *Communiloquium*, probably written between 1260 and 1270, John wrote about kingship and tyranny, drawing not only from scholars like John of Salisbury

⁷⁶ *Song of Lewes*, ll. 595–6.

⁷⁷ *Song of Lewes*, ll. 599–608.

⁷⁸ Maddicott, *Simon de Montfort*, 254.

⁷⁹ J. Swanson, *John of Wales: A Study of the Works and Ideas of a Thirteenth-Century Friar* (Cambridge, 1989), 4.

but also from a strong interest in ancient Greece and Rome. Jenny Swanson has pointed out that some of John's views echo arguments in the *Song of Lewes*, on the need for the king to take counsel from virtuous counsellors, as well as the danger posed by dishonest or flattering counsellors who, John writes, should be expelled from court.⁸⁰ John also took a hard line on tyranny, arguing that it is justifiable to kill a monarch who does not obey the law and thus becomes a tyrant. However, the latter view does not necessarily imply support for the Montfortian regime (as Swanson suggests).⁸¹ The *Song of Lewes*, a work seemingly written to convince scholars like John, does not denounce Henry III as a tyrant. Its author speaks in grand tones about the importance of the law in the government of the kingdom and criticises the lord Edward's disregard for the law. He also writes about the qualities of good kingship in general terms.⁸² These were the sorts of arguments that many would feel able to endorse but they are, in some ways, a sleight of hand, since they distract from the author's failure to criticise Henry by name or too directly. The author presents Henry's claim to rule according to his will in terms of the king's freedom to appoint ministers and allocate castles, lands and revenues to whom he chooses.⁸³ The author is thus criticising a particular argument on the king's right to exercise his will in certain matters, rather than any claim that the king should be able to make rulings without judgement in contravention of the law. The strongest criticism of Henry's government in the *Song* is reserved for the king's flattering and deceitful counsellors.⁸⁴ As discussed in chapter one, although Henry, in the early years of his personal rule, had certainly been guilty of ruling according to his will and of making disseisins without judgement, he was accused in 1258 of delaying or denying justice (in contravention of clause 40 of Magna Carta 1215) but not of ruling arbitrarily.⁸⁵ John of Wales's endorsement of tyrannicide cannot, therefore, be taken as a clear approval of Montfortian action. John also, in fact, argues that monarchy is the natural form of law, a view that would seem to contradict the reformers' claims in the *Song* on the need for conciliar government.⁸⁶ Whilst scholars like John might well have been sympathetic to the reformers' complaints about Henry's rule, the Montfortian solution remained problematic. The whole enterprise might have been viewed by some scholars with ambivalence.

⁸⁰ Swanson, *John of Wales*, 83, 88-9.

⁸¹ Swanson, *John of Wales*, 81-2.

⁸² *Song of Lewes*, ll. 848-90, 417-84; 701-58.

⁸³ *Song of Lewes*, ll. 489-526.

⁸⁴ *Song of Lewes*, ll. 547-86.

⁸⁵ Carpenter, 'Justice and Jurisdiction', 38-39; Carpenter, 'King, Magnates and Society', 76-85.

⁸⁶ Swanson, *John of Wales*, 80.

This very fact helps to highlight how the stimulus for the arguments produced by Montfort's ecclesiastical supporters – the heat of political upheaval – was so different from that of other writers on political ethics. While pre-existing ideas might have provided the springboard, the Montfortian bishops had taken a huge leap in supporting the earl in 1264, for Montfortian policy on the ground had moved radically beyond the boundaries of permissible action. This leap forced the production of new intellectual justifications from the bishops. The Montfortian case is important in demonstrating that ideas about political ethics were not always generated in the schoolroom but, as here, forged in the crucible of political action and catalysed by urgent necessity. It is also important, though, in revealing how the pressure of generating intellectual justifications in the midst of civil war inevitably dictated the direction of the bishops' arguments. Their insistence to the legate that they did not intend to overthrow Henry III might well be transparent; the bishops never fully intended to subvert royal power. Instead they attempted to rationalize what was in reality highly subversive action and the intellectual conflict that this created left its trace in their arguments. While their justifications are not coherent as a political theory, they articulate fluently the effect on the production of ideas exerted by external pressures and the internal conflicts of those who created them.

Chapter Eight

The Aftermath of the Battle of Evesham

Urban IV died on 2 October 1264, and, at some point during the protracted discussions over who should succeed him, the cardinals recalled Gui Foulquois, doggedly pursuing his legation in the face of Montfortian attempts to frustrate his endeavours.¹ Foulquois was elected pope at Perugia on 5 February 1265 and was crowned as Pope Clement IV little more than two weeks later. The rise of this particular cardinal to the highest office was, to say the least, an unfortunate turn of events for the Montfortian party. Clement's treatment as legate at the hands of the rebellious barons and bishops was a grievous offence about which he was to complain bitterly.² To some, the result was that the aggrieved pope 'despised the English, because at the time of his legation he was not able to obtain entry to England; for that reason he persecuted the bishops and barons of England as long as he lived.'³ Although Foulquois issued sentences of excommunication against the rebels, this statement was arguably unfair. As the memorial sermon for John Gervase discussed later in this chapter shows, Clement took a moderate line towards the penitent rebels, whilst the legate he dispatched to England, cardinal Ottobuono Fieschi, counselled peace and reconciliation.

With his first hand knowledge of the personnel involved in the rebellion and the extent of their capabilities and determination, Clement was well equipped to make provision for a new legation. In March 1265, he received envoys from the king and queen of England.⁴ That Clement's reply was addressed to Eleanor, and not to Henry, suggests that it was she who had initiated a request for papal intervention, for her husband and eldest son were still in the custody of the barons. Her attempt to recover power for her husband by military force had failed the previous autumn due to lack of funds and her plot to have Edward freed from

¹ Maddicott, *Simon de Montfort*, 306.

² *CPL*, 419.

³ *Gervase*, 242.

⁴ *CPL*, 419.

captivity around the same time had been foiled.⁵ It seems she now made another attempt to regain her family's position.

Clement wrote back to Eleanor explaining that he intended to delay a month before sending a legate, hoping that the rebels would 'come to a better mind' in the meantime and cease the sort of resistance to papal intervention that he himself had experienced as legate.⁶ On 4 May, having decided to proceed, Clement commissioned Ottobuono, cardinal of St Adrian's, to act as papal legate in England.⁷ The barring of his access to the kingdom was anticipated; even in this event, he was to pursue his legation and was authorised to collect troops to march against those who would oppose his mission.⁸ He was permitted to preach a crusade against the rebels across the British Isles, Scandinavia, Germany and various territories in France.⁹ The new legate moved first to Savoy, from where he wrote to Henry III, requesting that Henry secure him safe entry into the kingdom.¹⁰ By 29 August, he had reached King Louis at Paris.¹¹ There he would have heard of the death of Simon de Montfort at Evesham on 4 August. This removed the immediate obstacle to the legate's entry into England. Having consulted with Louis, Ottobuono sent messengers to King Henry, Richard king of the Romans and the lord Edward. The legate received letters from the princes providing safe conduct and giving instructions as to how he might secure entry into England.¹² Ottobuono did not reach England until 29 October when he landed at Dover with Eleanor.¹³

Now, wasting no time, on 1 November Ottobuono sent out a summons for all the prelates of England to assemble at London for 1 December to discuss 'the reformation of the kingdom that would be pleasing to God and useful to the kingdom.'¹⁴ At the council, the bishops of London, Lincoln, Winchester and Chichester were 'publicly and gravely accused of supplying aid, counsel and favour to the earl Simon against the king and honour of the

⁵ Maddicott, *Simon de Montfort*, 306-07.

⁶ *CPL*, 419.

⁷ *CPL*, 426.

⁸ *CPL*, 426.

⁹ *CPL*, 427-8.

¹⁰ Ottobuono's letters are published in R. Graham, 'The Letters of Cardinal Ottoboni', *EHR* 15 (1900), 87 – 120, at 89.

¹¹ Graham, 'Letters of Ottoboni', 89. It is possible that the legate's journey had been slowed by illness, for when he wrote the college of cardinals from Paris he complained that he had been struggling '*cum corporalis egritudinis molestiis*' (Graham, 'Letters of Ottoboni', 89).

¹² Graham, 'Letters of Ottoboni', 89-90.

¹³ *Gervase*, 243

¹⁴ *C&S*, II, 726.

kingdom' and of helping the barons the previous year in keeping the legate, Gui Foulquois, out of England.¹⁵ Ottobuono then fixed a date in March 1266 for the bishops to appear before him again.¹⁶ Before the March council could be held, though, Richard Gravesend, bishop of Lincoln, decided to admit his culpability and appeal for absolution from the legate.¹⁷ By 17 February he had proffered a fine of 500 marks to the king for 'remission of the king's indignation and rancour'. John Gervase was also forced to proffer a fine of 1000 marks for the king's goodwill.¹⁸ Entries in the Close Rolls show that both bishops began almost immediately to pay off these fines, delivering the money into the king's wardrobe.¹⁹ This was not an end to Henry's recriminations, however, and the bishops were also now made to pay the fines they had offered in 1264 for their failure to perform military service.²⁰ Montfort's pardons, of course, now counted for nothing. Gravesend's 1264 fine of 500 marks is recorded in the Pipe Roll for 1264-65, where a later addition, made when Nicholas de Leukenor was custodian of the wardrobe (and after Evesham), shows that the bishop paid the full 500 marks into the wardrobe. Gervase, however, only managed to pay 20 marks of the 1264 fine at this time and still owed the remaining 580 marks as late as 1267 (although he had paid half of his new 1000 mark fine by March 1266).²¹ Their punishment was severe for, as the fines and loans made in 1264 show, they had set themselves apart as rebels and invested as much, if not more, in the Montfortian regime as any of the earl's lay supporters. Including his loan to Montfort and his fines, Gervase had laid out almost £1150 (although he might not have finished paying his fines); Gravesend had definitely spent £700. For these bishops, support for the Montfortian enterprise had been hugely expensive.

Walter de Cantilupe, meanwhile, had parted in tears from Simon de Montfort on the morning of the battle of Evesham for his manor at Blockley, where he died on 12 February 1266.²² *The Flores Historiarum* reports that, on his deathbed, de Cantilupe had sent letters to the legate renouncing his support for the earl, on account of which the legate absolved him.²³

¹⁵ *Osney* 180-2; *Dunstable*, 240.

¹⁶ *Dunstable*, 240.

¹⁷ *Flores Historiarum*, III, 9.

¹⁸ *PR* 1258-66, 555; *CR* 1264-68, 176.

¹⁹ *CR* 1264-68, 176, 186. The surviving wardrobe accounts for this period include only a general receipt: 'Et de .M.M.M.C.L.xxij. li. .iiij. s. et .iiij. d. receptis de finibus diversorum pro bona voluntate Regis habenda sicut continetur in predictis rotulis de particulis' E372/115, Rot. 1d, m.2

²⁰ For Gravesend, see E372/109, m.10d; for Gervase, see E372/109, m. 12.

²¹ E372/111, m.14d, *CR* 1264-68, 176.

²² de Laborderie, Maddicott, Carpenter, 'Last Hours', 410.

²³ *Flores Historiarum*, III, 9.

The Dover chronicler reports the contrary, however, stating that, appealing for his position, the bishops continued manfully in his purpose.²⁴ If de Cantilupe had indeed recanted his allegiance to Montfort, it would have represented a resounding volte-face, for de Cantilupe was one of the earl's oldest and greatest friends and had been a committed servant of the reforming regime since its infancy. In this light, the account of the Dover chronicle seems more convincing than that of the *Flores*, though it is near impossible to be certain.

When the legatine council met in March, the bishops of Winchester, Chichester and London were suspended from office but appealed against the sentence. The legate then instructed them to present themselves before the pope within the space of three months.²⁵ All three travelled to the curia, though none of them managed to reach the apostolic see within three months of Ottobuono's order. John Gervase reached Viterbo by January 1268, managing to obtain absolution before he died there. Henry of Sandwich obtained an apostolic letter announcing his absolution, dated 31 May 1272, having 'come to Rome, and shown his humility and devotion', supported by a petition from the lord Edward 'that most gentle and forgiving of men'. He was allowed to resume the exercise of his office.²⁶ Stephen Berksted received his absolution on 26 November 1272 on similar terms, though this came only after Henry's death and he apparently received no royal endorsement.²⁷ Richard Gravesend, meanwhile, did not continue in the penitent demeanour he had shown to the king and legate. Already by May 1267 he was being reproved by Clement IV for 'going to France and joining the enemies of the lord king of England, disclosing to them his secrets, and allowing them to use his servants to communicate with England.'²⁸ Gravesend had left England shortly after 17 December 1266, when he appointed John of Lindsey and Master John of Oundle to act as his diocesan deputies, and had returned by mid October 1267.²⁹ The bishop had seemingly been conspiring with Montfortian exiles, though he seems to have heeded Clement's order to 'return to his church, and give aid to his king and the cause of peace.'³⁰

The view of Clement IV

²⁴ *Gervase*, 243.

²⁵ *Flores Historiarum*, III, 9.

²⁶ *CPL*, 441.

²⁷ *CPL*, 443.

²⁸ *CPL*, 421.

²⁹ *CPR 1266-72*, 9-10 (dated 20 November 1266); the appointment recorded in Gravesend's register is dated 17 December. My thanks to Aaron Hope for his transcription of this entry.

³⁰ *CPL*, 421.

'There is a path that seems just to a man, but the ends of it lead to death'.³¹ With this citation from the book of Proverbs, cardinal Eudes de Châteauroux began his memorial sermon on John Gervase, the late bishop of Winchester, at the papal court early in 1268.³² The path in question was Gervase's rebellion against King Henry III of England, in alliance with Simon de Montfort earl of Leicester, and his resistance to the apostolic mandates that had ordered Gervase and his confederates to abandon rebellion and to help restore King Henry to power. Having been suspended from office and ordered to present himself to the pope, Gervase managed to reach the papal court at Viterbo and obtain absolution before he died there, on 19 or 20 January 1268.³³ By this time, that same papal legate whom John had defied in 1264, Gui Foulquois, had been made pope and now, as Clement IV, likely sat listening to John's memorial sermon at the bishop's funeral. Much of the preceding discussion has shown how Gervase and his colleagues, as Eudes' opening words suggest, had declined to take the path of peace, laid out by their predecessors, and had chosen instead the path of rebellion. Eudes' sermon offers a remarkable insight into how members of the papal court, including those who had first hand experience of the bishops' activities and attitudes, comprehended their actions.

Whilst this memorial sermon was guided by the conventions of its genre, it was born of unusual circumstances. The functions of memorial sermons were, generally, threefold: to present the life of the deceased as an example from which the audience could draw; to teach the audience something of the nature of death or bring home to it the fragility of life, so as to induce its members to improve themselves; and to elicit the prayers of the living for the soul of the deceased.³⁴ More often than not, these aims would be achieved by commending the deceased through a description of his virtues. Eudes' sermon on Gervase is unusual. Because Gervase died among people who probably knew him best for his reprehensible behaviour, any account of Gervase's virtues was probably beyond Eudes' reach. The cardinal's main source for his description of Gervase was undoubtedly the former legate, Clement IV, who probably

³¹ Prov. 14: 12.

³² MS Arras, Bibliothèque Municipale 876, fo. 163va (ends fo. 165 ra); the sermon is transcribed in A. Charansonnet, *L'université, l'Eglise et l'Etat dans les sermons de cardinal Eudes de Châteauroux (1190?-1273)*, (University of Lyons PhD Thesis, 2001), 875-80 (the references given here relate to the PDF version of Charansonnet's thesis, available online at http://theses.univ-Lyons2.fr/documents/Lyons2/2001/charansonnet_a/info); for discussion on this sermon, see Charansonnet, *Eudes de Châteauroux*, 528-32; D.L. d'Avray, *Death and the Prince: Memorial Preaching before 1350* (Oxford, 1994), 38-9.

³³ C. L. Kingsford, 'Gervase, John (d. 1268)', rev. N. C. Vincent, *ODNB* (2004), available online at <http://www.oxforddnb.com/view/article/14854>.

³⁴ d'Avray, *Death and the Prince*, 63-65.

provided testimony based on his own – largely negative – experience of Gervase during the rebellion. But Eudes also seems to draw on Clement's account of his conversation with Gervase at the papal court early in 1268, when the late bishop had asked the pope for absolution.³⁵ In other words, the bishop's own testimony forms a partial base for Eudes' sermon.

Eudes' interpretation and presentation of this material might have been influenced by considerations of his present audience. Eudes, like other exponents of the genre, was more accustomed to delivering memorial sermons to the family, friends and colleagues of his subjects and hence to the restrictions on criticism of the deceased that such an audience might entail. Because Gervase died far from home at Viterbo, Eudes was relatively free to explore the faults of his subject. But the composition of this particular audience, here at the papal court, also invited Eudes to utilise his discussion of Gervase to provide a more tailored lesson than would be the case if the audience were a group of mixed status. He could target his warnings about the transgressions to which a highly-educated and powerful ecclesiastic might be susceptible to an audience composed of highly-educated and powerful ecclesiastics. We should also bear in mind that the sermon was not only intended for the immediate audience listening at John's funeral; it was preserved for posterity in Eudes' records so that at some point in the future a preacher encumbered with a similarly tricky subject might use it as a foundation for his own sermon. So whilst Eudes' discussion had an immediate purpose of illuminating the rebellion of John Gervase in the 1260s, it was also intended to serve as a framework for understanding rebellion in general and ecclesiastical rebellion in particular.

Given these considerations, how was Eudes to interpret Gervase's actions and fulfil the threefold purpose of the memorial sermon? He builds on his opening citation from the book of Proverbs by developing the theme of a crossroads, taken from Jeremiah: *'thus says the Lord: Behold, I set before you the way of life and the way of death.'*³⁶ Eudes does not dwell on the nature of the *path of life*, either in terms of general episcopal virtues or in the more specific context of John's career and the papacy's expectations of episcopal behaviour in times of political crisis. It would have been obvious to Eudes and his audience that any bishop was expected to obey the pope, which in Gervase's case meant that he should never have become

³⁵ Or the account John had provided to the canonist Hostiensis, whom Clement had put in charge of examining the late bishop's case (Charansonnet, *Eudes de Châteauroux*, 879).

³⁶ Jer. 21, 8; Charansonnet, *Eudes de Châteauroux*, 876.

involved in the rebellion and, rather, should have assisted the papacy in restoring King Henry to power. Instead, Eudes's sermon covers three broad questions: why Gervase chose the way of death, why God had allowed him to err, and how Gervase could be saved from damnation.

A man at a crossroads can choose the path of life that leads to eternal life, or the path of death that leads to damnation. Why would a man choose the path of death? Because, says Eudes, *it seems to him to be just*, as we heard in the opening citation from the book of Proverbs: *'there is a path that seems just to a man, but the ends of it lead to death.'*³⁷ This can be confirmed, says Eudes, by the words of Aristotle: *'good is what is sought by all things, and nothing is sought unless because it is good or because it appears good.'*³⁸ 'Therefore', Eudes pronounces, 'the path that leads to death is not sought nor is it chosen by anyone unless it seems good and just.'³⁹ This was true in the case of John Gervase who, as Eudes points out, believed that he was defending the rights of the Church and defending other people's rights.⁴⁰ This account of Gervase's motives is likely based on the late bishop's own testimony in 1268.

Although Eudes allows that Gervase believed he was doing the right thing, he points out that the bishop

'did not rightly consider that, in resisting apostolic mandates and not obeying he who ought to be honoured on account of this matter, in order to restore the Church and also the whole kingdom to a good state, not only was he not in this way defending ecclesiastical liberty, but he was entirely destroying it in those parts, and the English Church, indeed the entire kingdom, he overthrew.'⁴¹

Given that this was the case, Eudes needed to account for the fact that the bishop's path – the path of rebellion, the path that leads to damnation – had *seemed* to him *to be just*. Citing Rabanus Maurus, Eudes explains that this path seems just because *'sometimes men are burdened by the weight of corruption, while they are striving for good things, and under the appearance of good they rush towards bad things whilst all the while they are longing for good things, and they are ignorant as to where they ought to go.'*⁴² In order, then, both to account for his subject's decision and to warn his audience, Eudes describes the sort of corruption that burdened John. This was, Eudes believed, twofold: an unhealthy infatuation with learning and a misguided zeal for justice.

³⁷ Charansonnet, *Eudes de Châteauroux*, 878.

³⁸ Charansonnet, *Eudes de Châteauroux*, 878 n. 4239.

³⁹ Charansonnet, *Eudes de Châteauroux*, 878.

⁴⁰ Charansonnet, *Eudes de Châteauroux*, 879.

⁴¹ Charansonnet, *Eudes de Châteauroux*, 879-80.

⁴² Charansonnet, *Eudes de Châteauroux*, 877.

Although all men, learned and unlearned, could be burdened by corruption, Eudes points out that it is often the learned who are particularly at risk, since '*the corruptible body is a load upon the soul and the earthly habitation presses down the mind that muses upon many things*'.⁴³ A learned man might dedicate his mind to many matters, but often too little to his own failings. While 'the unlearned as much as the learned rush toward evil under the appearance of good', it is the learned who 'cover evils with their empty reasoning with the appearance of good, just as they clothe falsehoods sophistically with the appearance of truth, by means of sophistical proofs'.⁴⁴ This means that the learned man can 'obscure evil through flattery and make others believe good, just as if whitewashing with stibium'. Thus the prophet Jeremiah said that '*every man has become a fool for his knowledge*',⁴⁵ in the same way, Eudes suggests, 'as a lecher is made a fool by his mistress' when 'he loves her too much, trusts her too much and cleaves to her too much'. Indeed, says Eudes, 'among all other things that he has, man loves his knowledge most of all'. As Aristotle said in his *Metaphysics*, 'All men naturally desire to know'.⁴⁶ Eudes explains evocatively that this blinding happens in the same way as it does for those who attempt to observe an eclipse of the sun: their eyes are weakened and confounded when they look up to the skies.⁴⁷

This is not an attack against learning in general. Gervase, like many of his peers, had been trained at university in Oxford, and is known to have been a Master of Arts.⁴⁸ In his time he might well have been a distinguished scholar, although none of his work is known to have survived.⁴⁹ However Eudes, Clement IV, and probably many of the audience were products of the universities too. This is a specific, and uncommonly powerful, attack against an infatuation with learning and particularly its misuse for the purpose of deception. It is here that Eudes seems to be drawing from the experiences of Clement IV and his dealings with Gervase during the rebellion, experiences with which many members of the audience, as part of Clement's

⁴³ Sap. 9:15; Charansonnet, *Eudes de Châteauroux*, 878.

⁴⁴ Charansonnet, *Eudes de Châteauroux*, 878.

⁴⁵ Jer. 10: 14.

⁴⁶ Charansonnet, *Eudes de Châteauroux*, 878 n. 4244.

⁴⁷ Charansonnet, *Eudes de Châteauroux*, 879.

⁴⁸ John incepted as Master of Arts at Oxford in 1234; he was in Paris around 1251: A. B. Emden, , *A Biographical Register of the University of Oxford to A. D. 1500* (3 vols., Oxford, 1957-9), ii, 757. He is described in one papal letter, dated 1248, as 'learned in the physical sciences' (CPL, 241).

⁴⁹ The chronicle of Gervase of Canterbury describes John's collation to the see of Winchester, recording that the 'bishop on account of his most great scholarship (*litteratura*) was believed by all to have come through divine providence for the honour of that bishopric' (*Gervase*, II, 219).

circle, were probably familiar. The register that Clement kept as papal legate, which records the correspondence that passed between him and the rebels in 1264, helps to illuminate Eudes' account. As discussed in chapter seven, the Montfortian bishops (Gervase included) had written to Foulquois in an attempt to justify the form of conciliar government instituted by the Montfortians. As Foulquois was well aware, this regime had been imposed by military force and had virtually stripped King Henry and his heirs of all power. Whilst protesting that they and the rebel barons were faithful subjects who still revered the king as their prince, the bishops put forward an audacious but ultimately untenable case, in which they claimed that there was precedent for their conciliar government in the celestial hierarchy, papal government, and the Bible.⁵⁰ Foulquois had viewed their arguments with disdain and had wasted no time in demolishing them.⁵¹ Perhaps the desperate justifications of Gervase and his confederates were what Eudes had in mind when he complained about the sophistry employed by the learned to mask misdeeds.⁵² The criticism is focused on John's misuse of his learning to justify his support of armed rebellion and disobedience to papal orders. Eudes seemingly blames this on the fact that learning and intelligence had gone to John's head: he goes on to say that perhaps John's knowledge had 'raised him above himself' (in other words, that he had got too big for his boots).⁵³

As well as a love of knowledge, Eudes points out, 'a zeal for justice can make a fool of a man, which he believes he has, or pretends he has, or wishes to be seen to have'.⁵⁴ Eudes' rather cynical reading of Gervase's motives can perhaps be understood in the light of Montfortian propaganda, and the reported statements of Montfort himself, which abound with self-confident proclamations of the movement's righteousness.⁵⁵ Clement himself was exposed to such rhetoric in his dealings with the rebels in 1264, and Eudes is probably reflecting the pope's opinion when he suggests that such zeal can often be misdirected: as St Paul says, those '*having a zeal for God, but not according to knowledge* err from the truth'.⁵⁶

⁵⁰ Heidemann, 227.

⁵¹ Heidemann, 229.

⁵² Charansonnet, *Eudes de Châteauroux*, 878.

⁵³ Charansonnet, *Eudes de Châteauroux*, 880.

⁵⁴ Charansonnet, *Eudes de Châteauroux*, 879.

⁵⁵ For discussion on Montfort in particular, see index entries under 'Montfort, Simon de, earl of Leicester (d.1265)', particularly 'silver (but barbed) tongue' and 'attitude to oaths' in Maddicott, *Simon de Montfort*. For particular examples, see the case that the reformers put to Louis IX at Amiens (*DBM*, 256-79); as well as *Song of Lewes, in extenso*.

⁵⁶ Rom. 10:2; Charansonnet, *Eudes de Châteauroux*, 87

Indeed, St Paul himself had once been led by such a misguided zeal to persecute the Church.⁵⁷ Apparently, though, an ardent zeal for justice was also a feature of Gervase's character. Eudes recalls that it was said of the bishop that 'he was hard, stern and austere in giving justice and excessively just.'⁵⁸ Such zeal, in precluding the use of mercy to moderate judgements, was clearly considered not to be in keeping with the spirit of the Church. Eudes presents an implicit contrast between Gervase's own attitude to the dispensation of justice and that of the papacy. One is led to infer that if the papacy had been guided by the same zeal for justice as Gervase had displayed, the bishop would hardly have found forgiveness. Returning, though, to Eudes' central line of argument, it was this excessive and misdirected zeal which combined with Gervase's infatuation with learning to form the weight of corruption that led him to choose the path that leads to damnation.

Eudes acknowledges that a man's ignorance of the weight of corruption might present a problem in the eyes of some, who foolishly blame God for their sins and ask why God allows man the freedom to choose the path that leads to damnation. In response, Eudes turns to the book of Ecclesiasticus: 'I have *placed water and fire before you: stretch forth your hand to which you will. Before man is life and death, good and evil, that which he shall choose shall be given him: for the wisdom of God is great and he is strong in power, seeing all things without pause.*'⁵⁹

'Indeed, if only good had been placed before man, or only life, then either he would not have free judgement or would have it for nothing. And if he did not have free judgement, he would not be able to earn merit or show himself to be undeserving. And as much as he would gain from the one part, so much he would lose from the other, and by much more, since it is a greater harm and greater injury not to be able to earn merit, than it is good or useful not to be able to be undeserving... Therefore God does not provide the cause of the error, in placing before us good and evil, the way of life and the way of death, but He gives to us so that through these things we can earn much more good than we would have, and the good that we have we will not be able to lose, but will be able to hold, increased, firmly in perpetuity'.⁶⁰

Eudes goes on to address the particular question of how a man of such learning leading such a life as the late bishop of Winchester was able to err so disgracefully. Given the well-known harshness and even arrogance of Gervase to which Eudes refers, the Lord had permitted him to fall so that he would be humbled, and 'so that he would rise stronger and

⁵⁷ Charansonnet, *Eudes de Châteauroux*, 879.

⁵⁸ Charansonnet, *Eudes de Châteauroux*, 880.

⁵⁹ Eccli. 15: 17-19; Charansonnet, *Eudes de Châteauroux*, 877.

⁶⁰ Charansonnet, *Eudes de Châteauroux*, 877-8.

more cautious from the fall', since 'with a greater flogging the child ought to be wiser.'⁶¹ Furthermore, with a direct appeal to the compassion of his audience, through which he might hope to elicit prayers for the bishop's soul, Eudes assured his listeners that 'nor is it remarkable if he [Gervase] fell, since far greater people than him have fallen before and will fall in the future.' Here, Eudes cites a vernacular proverb: '*It is not remarkable if a man falls who has nothing but two feet, when sometimes a horse falls who has four feet.*'⁶²

Once a man has fallen, however, or chosen the path that leads to death, how might he find his way back to the path of life; how might Gervase be forgiven and saved? Because he did what he did in ignorance, believing that he was doing the right thing. Here, Eudes presents no better precedent than that of St Paul, who had once persecuted the Church, believing that he acted well and justly and supplied God's judgement, but had subsequently found the mercy of God because he acted ignorantly.⁶³ Just like St Paul, Gervase had withdrawn from the path that seemed to him to be just – the path that leads to damnation – and turned back to the path of penitence, humility, and obedience, which is the path of life leading to life.⁶⁴ Eudes returns to the citation from the book of Proverbs with which he began: '*there is a path that seems just to a man, but the ends of it lead to death.*' This, Eudes explains, means that

'the *path* itself did not lead him to *death*, whence notably Solomon said that *the ends* of it, that is the path, which seems just and is not, *lead to death*, and he did not say that the *path* itself leads to *death*, since the evil path, however much it is evil, and might lead to *death*, yet still it does not lead to *death* unless a man perseveres in that *path*, and therefore the *path* does not lead [to death] but the *ends* of the path *lead to death*.'⁶⁵ So Gervase saved himself from damnation by repenting his choice and returning to the path which, after some time spent in purgatory, will lead him to eternal life.⁶⁶ Although Eudes does not explain what initially prompted the bishop's repentance, it might have been the overwhelming defeat of the rebels at Evesham in 1265. If Montfort's victory over royal forces in 1264 was attributed to God's approval of the rebel movement, it is possible that for some of the earl's supporters the death of their leader the next year could have forced them to re-examine their positions.⁶⁷ It is certain, however, that Gervase's repentance was catalysed by

⁶¹ Charansonnet, *Eudes de Châteauroux*, 880.

⁶² Charansonnet, *Eudes de Châteauroux*, 880.

⁶³ Charansonnet, *Eudes de Châteauroux*, 879.

⁶⁴ Charansonnet, *Eudes de Châteauroux*, 880.

⁶⁵ Charansonnet, *Eudes de Châteauroux*, 880.

⁶⁶ Charansonnet, *Eudes de Châteauroux*, 880.

⁶⁷ This was clearly not the case for all of Montfort's supporters, though, as the popularity of his cult in the years after his death testifies. See: J. R. Maddicott, 'Follower, Leader, Pilgrim, Saint: Robert de Vere, Earl of Oxford, at the Shrine of Simon de Montfort, 1273' *EHR* 109 (1994), 641-53. Indeed Richard

the knowledge that his own death was imminent. In Eudes' words, God had 'struck him with the rod of infirmity', either on his way to the papal court or shortly after his arrival.⁶⁸ It seems likely that John's conversation with the pope was something like a death-bed confession.

In both his criticism of and compassion for John, as well as his views on the merciful dispensation of justice, Eudes was likely reflecting the attitude of Clement IV. This outlook was in keeping with the tone adopted by Clement himself in dealing with the rebels in 1264. Faced with the violent political upheaval in England and the disobedience of the Montfortian bishops, Foulquois could have excommunicated the rebels outright and thrown his weight behind the royal military response being mounted on the continent by proclaiming a crusade, for such was the extent of the powers entrusted to him by the pope. Instead, he did all he could to promote a non-violent solution through negotiation, allowing the Montfortians every possible opportunity to obey papal commands and abandon rebellion, but also providing them the chance to explain themselves and justify their actions. The new legation that Foulquois commissioned when he became pope continued in a similar vein, when cardinal Ottobono counselled Henry III and the lord Edward against taking vengeance on the defeated rebels. Clement took his responsibility to restore peace and ecclesiastical unity extremely seriously but, in his role as legate and then as pope, he was keen to understand, slow to punish and quick to forgive. Consequently, Eudes' sermon rests, fundamentally, on the importance of reconciliation and the rightful hope of the penitent. We have seen in earlier chapters how the Montfortian bishops strayed from the path of their predecessors. Eudes' sermon presents a framework of how such departures from expected episcopal behaviour could be analysed, comprehended and forgiven.

Gravesend, the Montfortian bishop of Lincoln, was soon in trouble with Clement IV again after receiving absolution for his part in the rebellion, when in May 1267 he was accused of spying for the king's enemies abroad (presumably the Montfortian exiles in France): *CPL*, 421.

⁶⁸ Charansonnet, *Eudes de Châteauroux*, 879.

Conclusion

When contemporaries came to reflect on the involvement of the bishops in the Montfortian rebellion, they saw that their actions required special explanation. These men were different from the lay magnates, knights and peasants who with them had seized the reins of government from the king, whose involvement could be explained by contemporaries according to personal gain or the interests of their milieu. Montfort's motives were of course the subject of much discussion, as the accusation of his self-interest recounted in the *Song of Lewes* makes clear.¹ The investigations of the special eyre held between 1267 and 1272 show how the involvement of individual knights and peasants could be accounted for by affinity with rebel magnates, physical coercion or willing support for the reform programme.² The bishops, though, did not gain materially from their support of the earl and, through the fines they proffered to the king as early as Lent 1264 and the loans they made to prop up the Montfortian regime, must have sacrificed more than most. Although at least two of them were long-term friends of the earl, none of the bishops were bound by affinity to support the rebel party. As the first half of this thesis has argued, they were bound by the obligations of their office not to take sides but, instead, to act as peacemakers.

For contemporaries, then, their actions had to be explained as those of highly educated churchmen, as the author of the *Merton Flores Historiarum* recognised when he criticised the bishop of Worcester for joining the revolution even though it contravened divine and human law.³ The bishops – particularly *ille senex* Walter de Cantilupe – were old enough and supposedly wise enough to know better. That they had colluded of their own free will in the subversion of royal power was a source of wonder. As learned churchmen, they ought to have recognised how these actions were impermissible. When writing his memorial sermon for John Gervase, Eudes de Châteauroux assessed the involvement of the bishop of Winchester in similar terms – a man of such learning and leading such a life as the bishop of Winchester

¹ *Song of Lewes*, ll. 325-38.

² D. A. Carpenter, 'English Peasants in Politics, 1258-1267', in his *The Reign of Henry III* (London, 1996), 309-48.

³ *Flores Historiarum*, III, 254.

who was, nevertheless, capable of falling from grace.⁴ The question was particularly important for both authors who, as churchmen learned to a greater or lesser extent in natural and positive law regarding royal power, struggled to explain how their subjects, made essentially of the same stuff, could respond so differently. Eudes, unlike the *Flores* author, felt able to offer an explanation. The problem was not that Gervase was insufficiently learned but, on the contrary, that he was enamoured with learning. Reading the convoluted but unconvincing arguments put by the bishops to Gui Foulquois in 1264, discussed in chapter seven, it is not difficult to see how this impression was created and how Eudes could consider the arguments to be sophistry. The difficulty was that, to the most distinguished scholars of their milieu, not least Robert Grosseteste, there was no learned way of justifying the sort of action taken by the Montfortians, only of condemning it. The Montfortian bishops took refuge in scholarly argument as a means of justifying their radicalism as much to themselves as to others.

The bishops' conflicted position was caused by a rupture with their episcopal heritage. The leading examples of episcopal conduct in the thirteenth century, Stephen Langton and Edmund of Abingdon, had shaped the expectations and aspirations of their milieu. Like their counterparts in other kingdoms, they prioritised the peace and security of the realm and navigated their way through political crises with this ideal as their compass. Central to the pursuit of this objective was the maintenance of loyalty to the king as well as his subjects. Far from being disinterested mediators, the bishops held serious interests on both sides that empowered and incentivised them to act as peacemakers. This obligation was enriched in the early thirteenth century by Langton's biblical understanding of the clerical duty to ensure the good government of the realm. Far from establishing the bishops as combative opponents of royal rule, this responsibility bonded with the bishops' eirenic duties. When kings transgressed, and their illegal or destructive policies caused baronial discontent that threatened civil peace, the bishops could step in to reform royal behaviour. With a unique ritual potency drawn from their status as anointers of the king, empowered to critique royal policy by divine instruction found in Scripture, the bishops were able to effect change in the king and remake him symbolically for the benefit of the realm.

⁴ Charansonnet, *Eudes de Châteauroux*, 880.

The manner in which this action was performed was of critical importance. Langton in 1213 and Edmund in 1234 did not confront their kings aggressively or rudely. Although they threatened him with ecclesiastical censure, they did not attack the strongholds of his power. To have done so would have contravened biblical precedents laid out in the Books of Kings and would also be counterproductive, since any measures that seriously threatened royal power could disrupt the peace of the kingdom. For these reasons Langton was deeply uncomfortable with the situation of Magna Carta in 1215. The Charter had been made possible by rebellion and the security clause was a deeply problematic and ultimately untenable solution to the problem of how to control royal behaviour. The 1225 version of the Charter, given freely by the king as part of a mutual bargain with his subjects, with the dangerous security clause omitted, better represented the proper way to manage royal conduct. This was a relationship that the bishops could oversee. The means of its enforcement – the sentence of excommunication – held the king to account but would not threaten the foundations of royal power. The bishops' sensitivity to the need for lawful but unimpaired royal rule was proclaimed most forcefully in the approach made to Henry III by Edmund of Abingdon. Emphasising his loyalty to king and kingdom, citing concern for Henry's relationship with his subjects as motivation for the bishops' intervention, Edmund spoke respectfully to the king. Ecclesiastical censure could be used to threaten the king in order to pursue the ultimate goal of regnal peace but the bases of royal power – the king's castles, lands and finances – were not attacked. Acting as the king's loyal subject and advisor was the safest and most productive route to reforming the king for the benefit of the realm.

This was the point of rupture between the Montfortian bishops and their predecessors. Like earlier bishops, the Montfortians took a theological view of kingship and exercised their duty as clergymen to ensure good government but, unlike Langton and Edmund, they did not retain their loyalty to the king. As partisan Montfortians, they were no longer qualified to act as peacemakers. Members of a regime that appropriated the bases of royal power and ruled in the king's name, they had advocated measures that according to the view of their predecessors were illicit and dangerous, since they threatened the peace of the realm. The profound and deeply unsettling nature of this breach is reflected in the actions and arguments of the Montfortian bishops. They attempted to curtail the civil violence of 1263-5 that they had all but invited by supporting the rebellion of Simon de Montfort. The bishops' efforts betrayed discomfort at the abandonment of their role as regnal peacemakers. The

arguments they put forward to justify the appropriation of royal power and establishment of conciliar government, based on theological, papal and scriptural precedents, attempted to reconcile their episcopal identity with revolutionary measures that vigorously outstripped those taken by their predecessors to reform the exercise of royal power. An appreciation for the context in which these arguments and actions were produced is fundamental in understanding their content. Constructing their case from scratch, in the crucible of political crisis, the Montfortian bishops left in their arguments the trace of internal conflicts and external pressures. Their case provides an ideal-type for the study of political thought: exothermic ideology. Not the cause but the consequence of events on the ground, these ideas are not coherent as political theory. This does not mean, however, that they should be dismissed. On the contrary it is their inadequacy, not their eloquence, that makes them illuminating.

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